United Nations S/PV.5099

Security Council

Fifty-ninth year

Provisional

5099th meeting

Monday, 13 December 2004, 10 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2004/959)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-64307 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2004/959)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, its is so decided.

At the invitation of the President, Mr. Sumaida'ie (Iraq), took a seat at the Council table.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultation, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ashraf Qazi, Special Representative of the Secretary-General for Iraq.

It is so decided.

I invite Mr. Qazi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2004/959).

At this meeting the Security Council will hear briefings by Mr. Ashraf Qazi, Special Representative of the Secretary-General for Iraq, and Mr. John Danforth, representative of the United States, on behalf of the multinational force.

Mr. Qazi: The report before you is the second report of the Secretary-General pursuant to resolution 1546 (2004), paragraph 30. I trust that you will find it to be in large part self-explanatory. I will therefore confine myself to a few remarks.

The forthcoming election represents a test of the new political order and of the transition process in Iraq. The Iraqi people have yet to be given the opportunity to assert their political rights through the ballot box. While there is clearly a widespread desire among Iraqis to participate in the elections, some important segments of the population still feel alienated or excluded from the political transition.

The overall security situation remained difficult during the reporting period. Violence of all types, much of it extreme in its brutality and indiscriminate in nature, has disrupted a significant portion of the country. Daily reports of insurgent, terrorist and criminal activities and of military and security operations graphically illustrate the fragility of the situation. The chief victims are, as always, the civilian population.

From our contacts with almost all sectors of Iraqi society, we are convinced that violence is abhorrent to the overwhelming majority of the Iraqi people. They demand a way out of this situation through the establishment of a government that demonstrably enjoys the assent of the majority of the population. This desire to find political solutions to political problems is by and large shared by all Iraqis, with the exception of a few irreconcilable extremists. The vast majority, including those who have so far chosen to remain outside the political process, understand that the long-term consequences of violence seldom if ever meet expectations and are most often very counter-productive to the achievement of desired goals.

Over the past three months, the United Nations has actively continued its efforts to engage in dialogue with a wide spectrum of Iraqi opinion, including those outside the political mainstream, with the aim of understanding their needs and aspirations and encouraging them to enter the political process. Equally, we have continued to encourage those parties that comprise the Iraqi Interim Government to intensify their efforts to reach out to the widest possible range of Iraqi opinion, since an inclusive process is the best guarantee of a successful transition.

My colleagues and I have tried to impress upon all our interlocutors that the forthcoming elections must provide a platform for the expression of all shades of Iraqi political opinion and allow for the adequate representation of Iraqis of all backgrounds, whether ethnic or religious, or members of civil society and independents. To its credit, the Interim Government has made efforts to reach out to alienated elements and is continuing to do so. It needs every encouragement to increase its efforts in this direction; the success of the transition depends to a great extent on them.

Because the future Transitional National Assembly will also be the constituent assembly, it must be seen as sufficiently representative by all constituents of the Iraqi polity. Equally, for those opposition elements who claim to have a substantial base of political support, there can be no better opportunity to demonstrate that support than by participating in the forthcoming elections. Accordingly, there is no alternative to an inclusive and successful national election.

Free and fair elections conducted by an independent electoral commission have so far not been part of Iraqi political life. This is why it is so important that, despite the challenging security environment, Iraqis make every effort to avail themselves of this opportunity to participate in the forthcoming elections. Those who choose to opt out of or seek to undermine such a transforming process do neither themselves nor their country any favour. The self-restraint and accommodation exhibited with regard to certain opposition groups, and their subsequent decision to eschew violence and participate in the political process, show that peaceful political alternatives are always available.

At the same time, it is a fact that political opinion remains very polarized. Along with the general insistence that elections be held as scheduled by the Independent Electoral Commission of Iraq (IECI), there have been calls from some quarters for the boycott of elections. Others have called for the postponement of elections to allow time and reconciliation efforts to heal the wounds of recent events. It is imperative that every effort be made to promote dialogue, compromise and reconciliation among all Iraqis in order to bring about a more secure environment. Otherwise, there is a real danger that the political transition process will be impeded, rather than facilitated.

A successful transition will also be facilitated through sustained regional and international engagement with the Iraqi Interim Government and with representatives of the spectrum of Iraqi civil and political opinion. The Sharm El Sheikh Conference in late November brought together key regional and international actors, and the subsequent meeting of regional interior ministers in Tehran built on the consensus reached at Sharm El Sheik. The Sharm El Sheik and Tehran communiqués should help to bring about a regional environment conducive to Iraq's transition. Political outreach efforts inside Iraq, as well as growing regional cooperation with respect to Iraq, offer the best prospect for an improved political and security environment and a successful transition in Iraq.

I am optimistic that the Interim Government and the people of Iraq are willing and able to successfully negotiate the transition to a united, democratic and prosperous Iraq. Despite its current problems, Iraq possesses the human and material capital to rebuild itself. Moreover, the support of the international community to Iraq's political and economic reconstruction was again reaffirmed in October at the Tokyo meeting of the International Reconstruction Fund Facility. The Paris Club has decided to significantly reduce Iraq's external debt burden, and it is hoped that other creditor nations will follow suit. Substantial resources have been used to mitigate emergency and rehabilitation needs, as well as to support the work of the Inuependent Electoral Commission of Iraq. Additional economic support can be expected as Iraq succeeds in advancing its political transition.

The potential of Iraq remains its surest hope of success. That is why the United Nations is in Iraq, despite many constraints. We are and shall remain sensitive to the expectations that Iraqi people have of the United Nations. We are determined not to disappoint those expectations and aware of the important role the United Nations has in facilitating a transition process that answers to the aspirations of Iraqi people.

The next year will see many challenges and opportunities: the election of a Transitional National Assembly, a constitutional referendum and a general

election under the new constitution. It will be all the more important to have wider and deeper consensus in the international community, particularly in this Council, in support of the efforts of the Secretary-General and UNAMI to implement our mandate under resolution 1546 (2004) to the fullest extent possible, as circumstances permit.

With the Council's support, the Secretary-General and I remain committed to doing our utmost to help promote peace, stability and development in a united Iraq.

Mr. Danforth (United States of America): Today, I will provide the Security Council with an update on the situation in Iraq, in accordance with Security Council resolution 1546 (2004). This oral report will summarize the more detailed written report that we are releasing today.

First, on behalf of the multinational force, I thank the Secretary-General and his Special Representative for their report which we found to be thorough and encouraging. Also, I express thanks to the members of the United Nations team working on the Iraqi elections. While the security situation in Iraq remains difficult, the increase in United Nations staff and support is essential to Iraq's political transition process. The United Nations presence is critically important to successful elections next 30 January and beyond, and to economic development and reconstruction.

The multinational force consists of over 150,000 troops and support personnel from over 30 countries. It remains in place at the invitation of the Iraqi Government with the goal of contributing to security and stability and of assisting the Iraqis in building a democracy. The force, in conjunction with the Iraqi Government and international and national non-governmental organizations, provides extensive humanitarian assistance and highly specialized reconstruction resources. And, of course, the force works aggressively to isolate and neutralize those who threaten the security of the Iraqi people. Members of the force continue to work bravely and tirelessly alongside their Iraqi counterparts to combat terrorism, destroy weapons that threaten Iraq's stability, gather intelligence and wage combat operations against insurgents and terrorists. While the opponents of peace and security are tenacious, the multinational force has made progress in creating conditions that will allow for free and fair elections and a transition to democracy.

Multinational force units devoted to reconstruction and public welfare repair bridges, ports, roads and railroads. They construct and repair schools, hospitals, post offices and other public buildings throughout Iraq. They provide medical treatment and vaccinations for civilians. Multinational force units devoted to security have continued to dispose of thousands of tons of ammunition and mines that could otherwise be used by insurgents to destabilize the Government.

Resolution 1546 (2004) welcomes ongoing efforts by the Interim Iraqi Government to develop its own security forces. The multinational force is helping to build this capability through the recruiting, training, equipping and mentoring of Iraqi security forces. The Iraqi security forces — which include the police, border enforcement, army, national guard, intervention force, special operations force, air force and coastal defence force — currently number roughly 116,240 trained and equipped people, almost three times the number of troops from the last reporting period. While the trends are positive, much work remains before Iraq's forces can take full responsibility for the country's security.

Until Iraqi forces are fully trained and operational and insurgents cease terrorizing the country, security will remain a serious concern. In the months since our last report to the Council, we have witnessed significant attacks against the multinational force and the Iraqi people with small arms and rocket-propelled grenades, mortars and explosive devices. Insurgents have attacked Iraqis who work for their Government, as well as workers from outside the country, in efforts to disrupt the rebuilding of the country.

The multinational force understands United Nations concerns about the safety of its brave and dedicated people and is committed to providing security for the growing United Nations staff in Iraq. As we provide that security, we urge the United Nations to put additional personnel on the ground. Additional United Nations support is essential to the future of Iraq, and especially to the success of next month's elections.

Resolution 1546 (2004) authorized a distinct entity to provide security for United Nations personnel in Iraq. In its absence, United States troops have done that work. We are encouraged that several Governments have recently confirmed their intent to

contribute to the distinct security entity authorized by the resolution, and we are hopeful that the group will be operational by January 2005, in time for the elections. Also, the United Nations is taking important steps to provide for its own security by including a substantial formed guard unit and personal security details for its personnel. Security for the United Nations in Iraq will be a key issue for some time, and we urge donors in the strongest possible terms to step forward with donations of forces and finances.

It is with great hope that we anticipate Iraq's elections on 30 January. The elections will be not the end of a process, but rather a beginning — an important step in the development of a democratic nation. With perseverance and a steadfast commitment to the effort, and with a strong partnership of the Iraqi people, the multinational force and the United Nations, a free and democratic Iraq will emerge from the tyranny and terrorism that have plagued the country for so long. That day will be a great one for Iraq, for the United Nations and for the world.

A longer, written version of this report will be provided for circulation as a document of the Council.

Mr. Sumaida'ie (Iraq): I wish to thank the Council for granting my request to address it today. I note with satisfaction that this is the second time in a row that Iraq has been invited to speak at an open briefing on its current affairs. That is both natural and fair. I look forward to continuing to be at the disposal of the Council whenever it deliberates matters concerning Iraq. Such dialogue is helpful and will not fail to be productive.

The Secretary-General has presented to the Council a comprehensive report on the situation in Iraq and on the United Nations involvement in it. On the whole, it represents a fair evaluation and contains a welcome reaffirmation of values and goals set out in resolution 1546 (2004) and, more recently, by the international conference on Iraq held in Sharm el-Sheikh. Whilst we agree with most of the report, there are parts which require some reflection and comment.

Few issues now before Iraq loom larger than the upcoming elections set for 30 January 2005. The Transitional Administrative Law sets out a process designed to lead to a system of democratic Government with checks and balances such as Iraq has not previously known. The elections are a key step in that process. The raison d'être of the Iraqi Interim Government is to guide Iraq through that stage of the political process and to ensure the holding of elections. In the next stage an Iraqi transitional Government will draft a permanent Constitution and oversee the next elections, which, pursuant to that Constitution, are to be held by 15 December 2005, with the new Government assuming office by the end of 2005. That is an ambitious schedule, but Iraqis need, and overwhelmingly desire, a legitimate Government and a return to normalcy as soon as possible.

My Government is obviously fully aware of, and preoccupied with, the current security situation. But we believe that we have a legal and political obligation to the people of Iraq — an obligation that we intend to discharge and, to the extent possible, to do so on time. In that the Transitional Administrative Law and resolution 1546 (2004) stipulate the timetable for elections and the great majority of the people of Iraq want and expect them to take place as planned, to postpone them might be seen as giving in to the terrorists, whose goal is to wreck the political process and prevent elections from ever taking place.

The Secretary-General's report refers to those who have called for a boycott of elections. It also states:

> "While a number of parties and other entities have announced their support for the elections to be held as scheduled, others have announced that they might boycott the elections. This underlines the urgent need to promote consensus on this important issue within the broader framework of the challenge of national reconciliation." (*S/2004/959, para. 10*)

Reading that, one might get the impression that those who are calling for a boycott of the elections are as numerous as those who want to participate. That is far from being the case. Moreover, if by the word "consensus" we mean unanimity, then we are setting ourselves an impossible task. Having said that, we are fully aware of the need for national reconciliation, which will be pursued vigorously. There are indeed some groups and individuals who have arrogated to themselves the right to speak on behalf of whole communities within Iraq. Yet, there is no reason to suppose that they speak for any sizeable contingent of Iraqis. They are, of course, entitled to their views. As long as they do not resort to violence to enforce them,

they are encouraged and welcomed to take part in the political process.

There is no reason to believe that those calling for a boycott will be heeded by any sizeable segment of Iraq's population. Boycotts have failed in other countries transitioning to democracy. Iraq is unlikely to be an exception in that regard. Given the opportunity, Iraqis will turn out in large numbers to participate in the first free elections of their lives.

Any risk to the election and its credibility and inclusiveness is likely to come not so much from a boycott but from the campaign of violence and intimidation that is being directed at the general population in order to thwart the election. The Government is doing its utmost to combat that and to reduce the effects of that campaign of terror to a minimum, while safeguarding the rights of all citizens to express their will freely. In that we shall need continued help from all concerned; and we shall need, and insist upon, help from our neighbours.

The report of the Secretary-General notes that the security situation in Iraq has deteriorated in some places, although it also notes that there is relative calm in most areas of Iraq. It indirectly criticizes the use of force to dislodge terrorists from Fallujah. Yet it offers no alternative that has not already been tried for months, to no avail. The report takes note of, and commends the Interim Government of Iraq for, efforts to reach out to, and engage, groups willing to talk. But, despite all such efforts, we have witnessed increased audacity and brutality in the targeting of Iraqi children, women and men for wholesale massacre. The Interim Government of Iraq concluded that those responsible for those atrocities were not interested in negotiating and that those who were in dialogue with the Government were incapable of delivering an end to violence. The strategy of the Interim Government of Iraq therefore had to be to deprive terrorists intent on destroying the transition process of any safe haven in Iraq. No responsible Government could do anything else.

The discoveries made in Fallujah during recent military actions vindicate the Interim Government of Iraq. We found in Fallujah no less than 203 major weapons caches, 11 factories for improvised explosive devices and three slaughterhouses for captives and hostages. Is the Government supposed to stand by while the inhabitants of Fallujah, foreign aid workers and the rest of the people in Iraq are terrorized and murdered? Without law and order there can be no Government, and without Government only chaos and more misery can ensue. I have here a map showing the locations of all the places to which I have referred. We can make available detailed photographs of those finds to anyone interested in them.

The encouraging result of its intervention in Najaf earlier this year provides further vindication of the Interim Government of Iraq's firm policy. Much to the relief of the inhabitants of Najaf and Sadr City, general calm now exists and reconstruction programmes are in place that involve the communities themselves. The report itself provides evidence of that.

Using large-scale military force in any city cannot be a preferred option by any responsible or compassionate Government. It becomes a duty, however, if it is the only way to save a whole nation from greater suffering and to secure its future.

With regard to the United Nations participation in assisting us to prepare for elections, we welcome the Secretary-General's decision to increase the number of elections workers in Iraq. But the increased numbers are still not enough, and we are concerned that that shortfall might adversely affect our preparedness for elections. We wonder how it is that the United Nations can play the leading role mandated by resolution 1546 (2004) if it remains largely insulated from the people. The phrase "as circumstances permit" should not become a mantra, repeated to justify insufficient presence on the ground in Iraq.

The Secretary-General's report is quite candid about the fact that much of the work of the Special Representative occurs within the confines of the international zone or remotely, in foreign capitals, rather than where it is needed, namely, throughout Iraq. The preferred mode of interaction with Iraqi officials seems too often to be video-conferencing or telephone calls from outside Iraq — or, indeed, through letters that inevitably find their way to the press. We believe that not only elections preparations but also vital humanitarian and developmental work can be greatly enhanced through direct contacts in Iraq between United Nations officials and their counterparts in the Interim Government of Iraq and in the provinces. Despite the relative peace and stability there, there is even a dearth of United Nations workers in northern and southern Iraq. It is hoped that steps will be taken

urgently to build up the United Nations presence in those regions of Iraq. This is an area in which progress should be possible quite quickly. We also urge a quick replacement for former Deputy Special Representative and Humanitarian Coordinator, Mr. Ross Mountain.

The Interim Government of Iraq commends Special Representative Ashraf Qazi for his efforts, given the constraints within which he works.

No one can forget the tragic and heroic sacrifice of United Nations workers on 19 August 2003. Yet, in the limited time we have left before elections, it is critical for the United Nations to bolster its presence and intensify its activities in Iraq.

In conclusion, I wish to reiterate that we agree generally with the report of the Secretary-General. We greatly appreciate all the efforts made by him and his colleagues to help Iraq. The Secretary-General's report states that

> "A mutually reinforcing dynamic between a credible political process and an improving security situation offers the best hope for achieving the goal of a stable, durable and democratic transition." (*ibid., para. 8*)

We totally concur, and we would add a third factor, namely, resuscitating the economy. In all this, help from the United Nations and the international community is indispensable.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.

United Nations S/PV.5100

Security Council

Fifty-ninth year

Provisional

5100th meeting

Tuesday, 14 December 2004, 10 a.m.

New York

President:	Mr. Belkhadem	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Karev
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Holliday

Agenda

Protection of civilians in armed conflict

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04-64474 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Argentina, Bangladesh, Canada, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Honduras, Japan, Kenya, Liechtenstein, the Netherlands, New Zealand, Nigeria, Peru and Switzerland, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give him the floor.

Mr. Egeland (*spoke in French*): I should like to thank members for this opportunity to brief the Security Council with regard to the protection of civilians in armed conflict. The commitment of the Algerian presidency to maintaining that critical priority item on the Council's agenda — a commitment underscored by your presence here among us today, Mr. Minister — is appreciated by the humanitarian community.

(*spoke in English*)

This time last year (see S/PV.4877), I presented to the Council a 10-point platform, which outlined critical areas in which we needed to focus our joint efforts. I would now like to provide members with an update on developments over the past six months and to propose actions that we can take to strengthen protection in several of those areas.

Humanitarian access to civilians in need lies at the heart of the protection response. In order to ensure a more secure environment for the victims of conflict, access for those who can help must be consistently secured. Progress has been made in ensuring better access in some countries. Notably, there have been incremental improvements in access to the 1.6 million displaced civilians in northern Uganda. The promulgation of the Government of Uganda's strategy for the internally displaced and an improving security environment have resulted in sustained access to certain areas and in opportunities to better address the protection needs of the civilian population. Humanitarian agencies must now seize the opportunities provided by that improved access by increasing their activities and their support. In Liberia, improved access to border regions has been facilitated by the completion of the disarmament, demobilization, rehabilitation and reintegration (DDRR) process.

By contrast, the events in the past six months in the eastern Democratic Republic of the Congo perpetuate a pattern of intermittent and sporadic access that leads to continued incapacity to deliver essential services, such as health and education. That region has, accordingly, suffered appalling mortality and malnutrition rates. According to a recent survey by the International Rescue Committee — which is among the largest mortality surveys ever conducted in a conflict zone — more than 1,000 Congolese civilians are dying from war-related disease and malnutrition every day. In the eastern Democratic Republic of the Congo, the mortality rate for children under 5 is 90 per cent higher than the regional norm. The recent movements of

forces into the eastern Democratic Republic of the Congo are worrying, as they further destabilize an already volatile environment and can only lead to a further decline in the quality of life for the civilian population.

The outbreak of violence in Côte d'Ivoire in early November and the subsequent evacuation of international humanitarian staff have also constrained our ability to provide humanitarian assistance and protection. Although the situation appears to be stabilizing and humanitarian staff are redeploying, checkpoints remain in place both in the north and in Government-held areas. Similarly, in Afghanistan, insecurity continues to restrict humanitarian access to areas in the south of the country. We cannot allow ourselves to accept those situations. Peacekeeping efforts that provide a sustained, secure environment in which humanitarian access can be delivered have never been more important.

Tragically, many parts of the Sudan's Darfur provinces present us with some of the worst obstacles to humanitarian access. The blatant breaches of the ceasefire agreements by all parties and the escalation of fighting — including rebel attacks and aerial bombardments by Government forces — have led to the evacuation of much-needed humanitarian staff. That has dramatically reduced our ability to deliver humanitarian assistance and protection for civilians. Experience demonstrates that improvements in access are brought about only when there is engagement and common commitment on the part of all actors and when there is consistency and coherence of approach. I encourage the Security Council to use its authority more energetically, where necessary, to address the issue of access in order to facilitate the delivery of humanitarian assistance and protection.

The security of humanitarian workers is my second concern. Our ability to protect and deliver humanitarian assistance to civilian populations in need is undermined by blatant attacks and threats against our unarmed humanitarian staff. Last Sunday, 12 December, two staff members of Save the Children were deliberately attacked and killed in South Darfur. Attacks by any armed group will only serve to paralyse the large and effective humanitarian operations in the Darfurs. The parties to the conflict — including the political and military leaders — should be held individually responsible for such attacks and for the starvation, disease and deaths among civilians that will undoubtedly result.

In Afghanistan, threats to staff continue to restrict the provision of humanitarian assistance and protection. In Iraq, the brutal execution of our colleague Margaret Hassan starkly brought home the vulnerability of humanitarian personnel and the unacceptable risk to which international agencies operating in Iraq are exposed. The worsening insecurity in parts of Iraq has prompted several large international non-governmental organizations — renowned for their capacity to continue operating in hostile environments — to withdraw their operations. Such withdrawals have severe consequences for civilians, particularly those who have been internally displaced, as they lose access to independent and impartial sources of assistance in a climate of growing insecurity.

In Iraq and Afghanistan, we may be witnessing a disturbing new development where recent hostage-taking incidents indicate a merging of commercial and political motives. Those are difficult and substantial challenges, which require creative solutions that use both humanitarian and political diplomacy. To that end, my Office, together with our humanitarian partners, has engaged in dialogue with religious and civil society groups in regions where there is a perceived threat to humanitarian personnel. More than ever, we rely on cultural and religious leaders to join us in partnership and to come to the defence of independent humanitarian action in the face of such threats. I therefore call upon religious and community leaders to speak out strongly against those who attack unarmed humanitarian workers in Afghanistan, Iraq, Somalia and elsewhere, in blatant violation of religious and cultural values.

Humanitarian organizations also feel that they have been caught in the political crossfire and that the space for humanitarian action is progressively shrinking. Military and political leaders around the world must do their utmost to maintain the distinction between impartial, neutral humanitarian action and political and military activities.

The third protection concern that I wish to address is the need to better protect women and children in armed conflict. A constant and insidious characteristic of armed conflict is the barbaric and indiscriminate use of sexual violence. In past reports

we have documented the atrocious use of rape and sexual violence as a weapon of war. Victims of sexual violence are stripped of dignity and are stigmatized. They are victims many times over: victims of trauma, victims of HIV/AIDS and victims of social and economic distress, left destitute and outcast long after the fighting is over.

The use of sexual violence has been widely condemned by national Governments, by regional organizations, by the General Assembly and by the Security Council, most recently, in the review of the implementation of resolution 1325 (2000) (see S/PRST/2004/40). Despite such condemnation, however, sexual violence persists unchecked. In the Democratic Republic of the Congo and in Darfur, sexual violence continues to intimidate and despoil populations. If sexual violence is so intolerable, why is it so pervasive? This is an issue where there can be no impunity. I hope that the International Criminal Court will use its jurisdiction to clearly demonstrate that crimes of sexual violence will not be tolerated and that perpetrators will be punished. And I hope the Security Council will press for accountability. Surely, the thousands of brutal rapes in the Democratic Republic of the Congo, in Darfur, in Uganda, in Liberia and elsewhere should already have resulted in people being brought to justice.

The use of children in armed conflict and child abduction remain a key challenge to the United Nations and its humanitarian partners. In Nepal, children continue to be forcibly recruited into fighting forces. Throughout the subregion of West Africa, children have long been associated with fighting forces. It is only now that we are beginning to comprehend the extensive implications of years of conflict, in which youth is used and expended as ammunition. That pattern is being sustained in the north of Côte d'Ivoire, where 100,000 children are unable to sit for their exams and are therefore exposed to increased risk of exploitation. Sustained attention must be given to the needs of children through the delivery of humanitarian support, DDRR programmes and longer-term initiatives that address their special reintegration needs.

The plight of refugees and internally displaced persons is my fourth concern. While large numbers of refugees have, in recent months, been helped to return home by the Office of the United Nations High Commissioner for Refugees (UNHCR) and its partners, more than 25 million people remain displaced from their homes by conflict. The largest internal displacement crises remain in the Sudan, the Democratic Republic of the Congo, Colombia and Uganda. Those four have a population of displaced persons totalling more than 10 million. Displaced civilians continue to face intolerable hardships and increasing challenges for their protection. During the past six months, the world has been shocked by the killing in Burundi of more than 150 Congolese refugees within the confines of a camp protected by the United Nations symbol. We have also been shocked by the forced movement of hundreds of thousands of civilians in Darfur. In Iraq, it is estimated that approximately 220,000 inhabitants of Fallujah became internally displaced over a 10-day period in early November. Since then, access to civilians, both those inside the city and those displaced around the city, has been limited by military action and by insecurity on the ground.

I also encourage Member States to fully recognize the needs and rights of those who are displaced. Over the past six months, the Governments of Uganda, Liberia and Somalia have developed national internal displacement policies and have adopted, or made greater use of, the Guiding Principles on Internal Displacement. Those are particularly welcome developments. Similarly, I welcome the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, which commits participating countries to a range of important measures, including respect for and use of the Guiding Principles. Those positive steps need to be reinforced, however, by providing national Governments with the appropriate capacity and support to fulfil their obligations to protect.

Enhancing compliance with international humanitarian, human rights and refugee law and combating impunity is the fifth challenge I wish to address. Many protection concerns will remain unresolved as long as impunity prevails, and it is therefore critical that those who violate international law be held accountable. The role of States in this respect is paramount.

Violations of international humanitarian and human rights law in the occupied Palestinian territories have worsened the lives and welfare of civilians and undermined the ability of the humanitarian community to provide much-needed assistance and protection. The widespread insecurity in Iraq — including

intimidation, hostage-taking, targeted and indiscriminate attacks on civilians and brutal acts of terror — creates major protection concerns. In such volatile circumstances, compliance with international humanitarian law by all sides is critical. Hate propaganda, used to incite and fuel conflict, is a concern in a number of countries, such as Côte d'Ivoire, where the media have become a powerful instrument in fuelling hatred and promoting xenophobia. Targeted sanctions against those individuals responsible for serious violations of international humanitarian law or for inciting public hatred and violence provide an appropriate and necessary response. In general, I would encourage the Security Council to consider making greater use of such targeted sanctions.

In Darfur, the deployment of African Union observers, the establishment of the International Commission of Inquiry and the deployment of human rights observers are important developments. It is imperative that all parties to the conflict cooperate fully with the Commission and provide it with the information relevant to its mandate. Those who have caused death and massive suffering among civilians in the Darfurs should have no reason to sleep well at night

In terms of strengthening the legal framework underpinning the protection of civilians, I am pleased to report that 32 States took 114 treaty actions during the Focus 2004 treaties event in September. Of particular note was the participation of the National Transitional Government of Liberia, which took action in respect of 18 conventions and protocols and, separately, adopted the Guiding Principles on Internal Displacement.

With regard to the sixth challenge — disarmament, demobilization, reintegration and rehabilitation — I would like to focus on reintegration, which I see as the single biggest challenge for DDRR programming. Reintegration poses an enormous challenge in West Africa, where the region is fearful of youth who have learned that economic gain comes from acts of violence. In northern Uganda, where thousands of children have been brutalized and alienated from their families and communities, the challenge of reintegration is also immense. Uganda is currently faced with a historic opportunity for peace and reconciliation, related to which is an urgent need to accelerate reintegration planning efforts to meet the needs of increasing numbers of Lord's Resistance Army fighters coming out of the bush.

Properly reintegrating children and youth requires viable alternatives to violence and sustained support in meeting their long-term needs. That, in turn, requires integrated planning of DDRR programmes, longer-term community-based recovery initiatives and consistent and sustained funding. In Liberia and elsewhere, reintegration programmes remain precariously underfunded. Where a conflict has a regional dimension, effective and sustained DDRR support is all the more critical if we are to prevent the circulation of fighters and small arms from one country to the next. What use are effective disarmament and demobilization efforts if we are not able to provide an alternative life for the ex-fighters before they are drawn back to the guns and the violence?

My seventh and final challenge is neglected emergencies. We repeatedly see ongoing crises eclipsed by the crises of the moment, highlighted through the media lens. The Sudan and the ongoing violence in Iraq currently command the most attention, while dire situations persist in numerous other countries struggling with conflict and violence. We need to keep the spotlight on all crises and ensure that there is a balanced and proportional response to all situations of concern. The humanitarian crisis in Somalia, for example, remains one of the most severe, yet overlooked, crises in the world. With the formation of the Transitional Federal Government, Somalia is now at a crossroads as it faces its best chance in many years of achieving political stability and peace. The international community must seize this opportunity and support efforts to consolidate peace and stability and to alleviate the suffering of the Somali people. Visiting Somalia last week, I was shocked to learn that mortality rates in parts of Somalia were 2 per 10,000 per day: the same as in Darfur, but for the Somalis this situation has been more protracted.

If we are serious about meeting humanitarian needs and laying the foundations for future peace and stability, we cannot afford to leave crises simmering, devoid of an adequate political and humanitarian response. Underfunding, premature withdrawal of support and a failure to address the root causes of conflict leave remnant discontent, creating conditions ripe for insurgency and allowing countries to spiral back into conflict. The case of Liberia in the late 1990s or Haiti in recent years illustrates this all too clearly.

As a humanitarian community, we are, after all, asking for much less than 1 per cent of world military spending to cover all suffering in all conflicts.

I would now like to continue by outlining briefly some key points which I believe will strengthen our ability and greatly enhance our response to the challenges I have just outlined.

My first area of action — an area of utmost priority — is the need to strengthen the overall response capacity of the humanitarian community to provide both effective and timely humanitarian assistance and protection. Efforts to improve our response to the crisis in Darfur have underscored the need to strengthen the collaborative approach to protection. A comprehensive, coordinated approach to the protection of civilians has now been put in place to address the protection deficit in Darfur.

I have also, as Emergency Relief Coordinator, initiated a system-wide humanitarian response review, which will address the current gaps in our response to humanitarian crises, in terms of both humanitarian assistance and protection gaps. We have to fill those gaps as an international community: Member States, donors, United Nations agencies, non-governmental organizations and civil society.

My second area of action is the development of a better reporting mechanism. In his most recent report on the protection of civilians (S/2004/431), the Secretary-General called for a mechanism that would provide better facts and statistics on protection in order to inform and facilitate the Council's deliberations. Examples of the key protection concerns that such a mechanism would address include the number of civilians killed, tortured, displaced or affected by sexual violence, and the total number of those denied access to humanitarian assistance and protection. Work has commenced with agency colleagues to develop a systematic methodology using set criteria and empirical indicators which will allow better comparative analysis and monitoring of protection trends. That will provide the Security Council with concrete and objective information that would enable better assessment of, and appropriate response to, the scale and urgency of key protection concerns. I will provide the Council with a more detailed outline of the reporting mechanism at my next briefing, in June.

My third area of focus is the need to ensure more consistent response to crises and to highlight neglected emergencies. We need to develop better mechanisms to engage donors and engender the political will to address all humanitarian needs and protection concerns equitably. Engaging new donors and drawing on the resources of different actors will be critical to ensuring consistency of response. It is also vital that we provide sustained support in post-conflict situations. Through my Office, I would like to further develop a more systematic review of the impact of underfunding, so that we can alert the Security Council to any potential problems that may exacerbate instability and jeopardize either national or regional security.

Fourthly, it is essential that we place greater emphasis on the role of national actors and that we develop approaches and tools that strengthen their ability to provide protection. In September, my Office initiated a systematic consultation with the Government of Uganda and all national actors to develop a nationally owned strategy for the protection of civilians. This has already resulted in more effective action to address key protection concerns. In January, at the request of the Government of Indonesia, we will undertake similar consultations to assist the Government in developing their own strategy for the protection of civilians. We are in discussions with the Government of Egypt concerning the possibility of convening a regional workshop on the protection of civilians for the Middle East in 2005. Such initiatives can be broadened to support all Members States that face protection challenges.

My fifth point relates to the use of sanctions. If we are to see more effective use of sanctions as a tool, it will be essential to assess and mitigate any potential humanitarian consequences in a more systematic manner. Recognizing this need, my Office, in collaboration with the Inter-Agency Standing Committee, has developed a rigorous methodology to assess the human impact of sanctions. Since it would be essential for the Council to ensure that the unintended consequences of sanctions are mitigated and that the measures imposed do not cause civilian suffering disproportionate to the ends served, I strongly encourage Council members to use that methodology during their deliberations to enhance the use of sanctions as a tool.

My penultimate point underscores the importance of regional organizations in providing protection in armed conflict. The crucial role of the African Union in Darfur is an obvious case in point. It is critical that

regional organizations be provided with the support necessary to fulfil their role. As humanitarian organizations, with 7,000 international and local staff on the ground in Darfur, we are struck by the importance and effectiveness of the African Union forces and observers there, but we are also struck by the fact that still, in December, only one third of the promised African Union troops have been deployed, while African Union police have not been deployed at all. It should be possible for the international community to help increase the capacity of the African Union on the ground, and this should be done urgently. Without this capacity, the civilian population in Darfur cannot benefit from effective protection.

The regional dimension of armed conflict is well understood and the need for a regional approach to address and respond to the civilian consequences of armed conflict is well recognized. We encourage regional organizations to develop common approaches and to incorporate internationally agreed standards for protection in their activities. My Office is currently working to develop stronger cooperation with regional organizations on protection as part of the follow-up to the Secretary-General's fifth high-level meeting with regional organizations.

My final point relates to our own responsibility to protect. Like all Council members, I have been deeply disturbed at the unacceptable incidence of sexual exploitation and abuse by peacekeeping and humanitarian personnel over the past six months. The Secretary-General has set clear standards of conduct to which all staff must be held accountable in his Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. There is a pressing need to ensure that this is now rigorously enforced. We must commit ourselves to creating and maintaining an environment that prevents such egregious behaviour. The active engagement of personnel-contributing countries is central to this process. I appeal to contributing Member States to give this issue their urgent attention and ensure that appropriate accountability mechanisms are in place.

I have presented both an overview of key protection concerns under the ten-point platform and some practical measures aimed at addressing these challenges in order to tangibly enhance the protection of those in need. We are setting ourselves realistic means by which, through collective action, we can seek to improve every situation. We can no longer accept the status quo. It is time to move to action if we are truly to create a culture of protection that addresses the real needs of civilians trapped in conflict. We must show that the United Nations, its Member States and its humanitarian and regional partners can safeguard the well-being and rights of men, women and children around the world whose lives are being shattered by armed conflict. Our discussions with the Security Council are invaluable; the Council's continued commitment to this shared goal is vital.

The President (*spoke in Arabic*): I would like to thank Mr. Egeland for his detailed statement.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

Mr. Karev (Russian Federation) (*spoke in Russian*): For the last five years, the issue of protection of civilians in armed conflict has been a regular fixture of the United Nations and the Security Council. The need for ongoing attention to this matter has been referenced, as well, in the report of the High-level Panel on Threats, Challenges and Change, which found that the Security Council must fully implement resolution 1265 (1999) on the protection of civilians in armed conflict. This notion raises no doubts.

In spite of the existence of an entire arsenal of international instruments on human rights and international and humanitarian law during conflict, we still see, first and foremost, the suffering of completely innocent civilian populations, including women, children and the elderly — people whom we usually call vulnerable — as well as the humanitarian personnel providing assistance to them.

Massive and flagrant violations of international humanitarian law must not go unpunished. Here, an important role devolves upon the International Criminal Court. The situation in ensuring the protection of civilians in armed conflict requires systematic coordinated measures at the international, regional and national levels.

One of the important components of this work is the humanitarian component, particularly as an element of a comprehensive strategy for crisis prevention and in the phases of post-conflict settlement processes. Humanitarian work must, first and foremost, be built on the norms of the United Nations and basic humanitarian principles. Its success largely depends on how it fits into the international community's efforts for political settlement.

We are pleased to note that today's discussion issue is under the direct oversight of the United Nations Secretary-General. In reports submitted on this issue, there is a comprehensive country-specific analysis of the reasons for violations of the norms of international humanitarian law in armed conflict, and there are recommendations to strengthen the protection of civilians. In addition, we believe it very important that, in preparing the reports, the Secretariat must strictly adhere to its mandate, particularly with respect to the legal qualifications of different situations. We hope that, in preparing the next report, countries' concerns and statements on this issue will be fully taken into account.

With good reason the Council is making greater use of regional and country approaches in dealing with the protection of civilians in armed conflict. In that context, it is particularly important to take into account economic, social, historical, religious, cultural and other elements specific to countries and regions and to give attention to each conflict's unique character, root causes and manner of settlement.

The fundamental elements of ensuring the protection of civilians are early warning mechanisms, the elimination of wars and conflict prevention. It is important that efforts to those ends be appropriately coordinated so that in protecting civilians — as in other matters — we adhere to a strict division of labour in accordance with the United Nations Charter and other international legal instruments. We hope that a constructive exchange of opinions on how to improve the work of the Security Council and other bodies of the Organization in protecting civilians in armed conflict will provide additional impetus for progress on this question.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): First, on behalf of the Spanish delegation, I would like to thank the Algerian presidency, in particular the Minister for Foreign Affairs of Algeria, Mr. Belkhadem, for convening this meeting of the Security Council on the protection of civilians in armed conflict. Your presence, Mr. Minister, at the head of the Council at this meeting further stresses the importance of our discussion of this important question. We would also like to thank the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his highly valuable briefing on this question.

It is clear that in recent years major progress has been made in the area under consideration, and that is to be commended. However, it must also be recognized that, in most of the crises the Council is facing, the civilian population continues to suffer disproportionately the effects of combat and occupation situations. As Mr. Egeland's briefing provided many examples of that, I need not go into detail.

In the latest report of the Secretary-General (S/2004/431), dated 28 May 2004, which the Council first discussed in a meeting held under the Philippine presidency, ten priorities were listed as the basis of the plan of action presented in December 2003 by Mr. Egeland; we believe those priorities should continue to be our fundamental frame of reference.

Given the brief time we have available, the Spanish delegation shall focus on only some of those priorities.

In 20 conflicts in the world, humanitarian access is continued to denied or impeded to 10 million people who need food, water, refuge and medical assistance, leading to the unnecessary suffering of the civilian population. International pressure, often through the action of the Council, has in various cases managed to remove many of those obstacles, although there continues to exist, in certain places and at certain moments, practical difficulties that need to be dealt with. The protection of the civilian population is the responsibility of all reputable States and all parties to an armed conflict. If a Government does not have the ability to protect or help its own population or is not willing to do so, the international community, in particular the United Nations, must fulfil that protective function. To that end, international attention must not weaken, pressure must be maintained and all bodies and agencies of the United Nations system must act with the same goal.

Secondly, we are greatly concerned at the situation of the more than 50 million people in the world that have become internally displaced persons or refugees. Any process for the normalization of life following a conflict must include the voluntary return of internally displaced persons and refugees to their place of origin. If that return does not take place, we must ensure that the camps for refugees and internally displaced persons meet basic sanitary and security standards. Armed groups cannot be allowed to infiltrate refugee camps to recruit or kidnap men, women and children, as such acts violate the civilian and humanitarian nature of the camps and leave the population and refugees vulnerable to attacks from various factions.

Thirdly, we would like to stress the importance of attending to the most vulnerable sectors of society. I am referring in particular to the protection of women and children. In spite of the efforts made, more than 300,000 minors under the age of 18 are directly involved in armed conflicts, while acts of sexual violence continue to be a brutal weapon of war, used with excessive frequency by several belligerent groups. The physical, psychological and social consequences of those practices are appalling and can even destroy the links that bind a community. For that reason, the efforts in this area must be intensified, incorporating in international peacekeeping missions qualified personnel to assist victims, raising awareness on these issues within the institutions of transition that carry out national reconciliation processes and improving medical, emergency, support and comprehensive rehabilitation services for the victims of sexual violence. Those actions should be carried out by the bodies of the United Nations system in cooperation with non-governmental organizations and other entities active in that area.

Finally, we believe that it is important to put an end to impunity for particularly serious acts of significance for the international community as a whole. Unfortunately, in many cases, those crimes continue to be committed in complete impunity. We firmly believe that the perpetrators must be brought to justice, because that is the only way to deter other possible perpetrators. To that end, it is necessary to continue efforts to improve national penal systems through adequate international assistance. If the action of the national authorities is insufficient, due to their lack of will or capacity, international judicial bodies must be able to take action. In that context, my delegation firmly supports the appeal of the Secretary-General contained in his report (S/2004/431) of 28 May 2004 for universal ratification and accession to the statute of the International Criminal Court, as well as to the treaties concerning international humanitarian, human rights and refugee law.

In conclusion, we express our agreement with the draft presidential statement that has been prepared by the members of the Council as a whole, as a result of the impetus of the Algerian presidency. I would also like to express our interest in and support for the guidelines of action announced by Mr. Egeland at the conclusion of the very thorough briefing he gave at the start of this meeting.

The President (*spoke in Arabic*): I would like to welcome the Secretary-General, who has just joined the Security Council.

Mr. Muñoz (Chile) (*spoke in Spanish*): First, I would like to thank the Algerian presidency for convening this important discussion on the protection of civilians in armed conflict. I would also like to express our thanks for the briefing by the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland. In particular, Sir, I should like to welcome your presence as Minister for Foreign Affairs of Algeria, which gives this meeting special importance.

This second open debate on the item under consideration in this year that is coming to an end reflects the importance that the Security Council attaches to the protection of civilians in armed conflict.

A primary consideration in the context of this item is the need to reaffirm the principles of international law and of human rights in order to ensure the safety of millions of innocent civilians, among them women, the elderly and children, who are exposed to numerous and varied forms of violence in armed conflict.

We must also stress the fact that it is the parties to the conflict — whether State or non-State — that have the primary obligation to protect civilians, in accordance with the norms and principles of international humanitarian law.

Against that backdrop, we wish to emphasize the need for all States to be parties to, and comply with, instruments related to the protection of civilians, such as the Geneva Conventions and their Protocols, the

Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and other conventions.

Since Secretary-General Kofi Annan initiated the programme on the protection of civilians in armed conflict, we have become more familiar with the topic as well as with related norms and recommendations. For example, there has been an expansion of the mandates of Security Council peacekeeping operations and an increase in the resources allocated to them, in order better to enable them to protect civilians.

A particularly positive aspect has been the inclusion in peacekeeping missions of disarmament, demobilization, reintegration and rehabilitation programmes for combatants, as well as of mechanisms to protect refugees and returnees. In that framework, we are gratified by the Council's willingness to welcome the valuable contributions made by regional and subregional organizations.

We have also made progress in the fight against impunity, through the establishment of the special tribunals for Rwanda, the former Yugoslavia and Sierra Leone, for example, and, most importantly, through the establishment of the International Criminal Court. International tribunals, however, can operate only in a subsidiary capacity in the context of the internal jurisdiction of the State in which crimes against civilians are committed, since it is the State that has the primary responsibility to arrest, try and sentence the guilty.

Despite the progress made, much remains to be done. Indeed, the Secretary-General's report notes that, in more than 20 armed conflicts around the world, humanitarian assistance is either denied or obstructed for over 10 million people. In that context, we believe that interaction of the competent agencies of the United Nations and of other humanitarian bodies with non-State agents, whether they are officially recognized or not, is of fundamental importance in order to prevent or mitigate threats to civilians.

Displaced civilian populations require particular attention on our part. The forced recruitment of child soldiers and the rape and sexual abuse of women and children warrants our firm condemnation. Nor can we overlook the so-called forgotten emergencies. For that reason, we believe that the implementation of the 10-point platform that the Under-Secretary-General for Humanitarian Affairs submitted to the Security Council last December is crucial, as it contains elements that are key to moving forward.

Likewise, the various national and international authorities, such as the High Commissioner for Refugees and the High Commissioner for Human Rights, must act in close coordination in order to set up an early-warning network that would make it possible to prevent conflict. The effective prevention of conflicts also requires the establishment of a long-term strategy that would pinpoint the causes of the conflict. That means that we have to find ways to ensure sustainable development, eradicate poverty, and promote national reconciliation, democracy and good governance.

Furthermore, the direct attacks that have taken place against United Nations personnel make clear the great vulnerability of our Organization's humanitarian personnel, as well as that of the Red Cross and Red Crescent societies. In that respect, we agree with the Secretary-General that legal measures must be taken to expand the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel.

More than five years have elapsed since the Secretary-General initiated the programme on the protection of civilians in armed conflict. Progress has been made, but millions of civilians are still being subjected to extreme violence. That is why we believe that the Security Council has to continue to discuss the possibility of adopting additional measures that would promote a culture of protection.

In that respect, we could consider adopting a new resolution on the protection of civilians in armed conflict that would include all the elements involved in that area. We could consider also other initiatives, such as the establishment of an ad hoc group on the protection of civilians in armed conflict that would make recommendations and provide follow-up to the decisions taken by the Council. The report of the Panel set up by the Secretary-General contains other ideas that merit in-depth analysis.

To conclude, we would like to reaffirm our belief that the protection of civilians in armed conflict is one of the major challenges facing the United Nations. The credibility of the Organization will also depend on our ability to offer civilians a life in conditions of dignity and free from fear. After all, the United Nations was

created to protect human beings from the threats of both war and violence.

Mr. Akram (Pakistan): Mr. Foreign Minister, we are grateful to the Algerian presidency for organizing this open debate on the protection of civilians in armed conflict and warmly welcome your personal participation in, and your presiding over, this important meeting. We are also thankful to Under-Secretary-General Jan Egeland for his comprehensive briefing and review of various conflict situations in the context of the 10-point platform. We also particularly welcome the presence of the Secretary-General at this meeting.

About five years ago, the United Nations began systematically to approach the issue of the protection of civilians in armed conflict. Stark and disturbing evidence makes it clear that civilians, particularly vulnerable groups such as women and children, continue to bear the brunt of armed conflict and remain the prime victims in such situations.

I should like to make eight points on the subject under discussion.

First, the most important problem, as we see it, is to ensure full respect for international humanitarian law. In situations of foreign occupation, human rights organizations have extensively documented the incidence of harassment, extortion, abduction, search-and-cordon operations, unlawful detentions, and arbitrary and extrajudicial killings. Rape has frequently been used as an instrument of war, to dehumanize women and humiliate the communities to which they belong. Such crimes are committed without any accountability for the perpetrators. There is no possibility of justice for victims under foreign occupation.

The Secretary-General rightly stressed in his report of May 2004 that

> "Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition." (*S/2004/431, para. 3*)

Article 48 of the Protocol Additional to the Geneva Conventions stipulates that

> "In order to ensure respect for and protection of the civilian population ... the parties to the conflict shall at all times distinguish between the civilian population and combatants."

Unfortunately the disproportionate use of force, excessive rules of engagement, indiscriminate deployment of high-yield weapons and ill-treatment of prisoners have rendered such injunctions largely meaningless. Resolution action on the part of the international community is required to reverse these unacceptable trends.

Secondly, it is imperative to bring an end to the culture of impunity. The parties guilty of harming civilians must be identified and the perpetrators brought to justice swiftly. All available legal mechanisms must be fully utilized to investigate, prosecute and punish the culprits.

Thirdly, immediate, safe and unhindered humanitarian access to civilians in all conflict situations is critical to saving lives. No party should be allowed to deny or obstruct such access in any phase of the conflict.

Fourthly, provision of emergency relief assistance to civilian victims of conflict is vital. Besides mobilizing resources through voluntary contributions, consideration must be given to providing funding through the regular budget as well.

Fifthly, deliberate violence against humanitarian and United Nations personnel is an unacceptable and relatively recent phenomenon. Measures should be taken to hold perpetrators accountable in line with Security Council resolution 1502 (2003).

Sixthly, sexual violence and other abuses of women and children are inexcusable. Consideration should be given to the adoption of a declaration that the targeting of women and use of rape as an instrument of war constitute a war crime. Concrete steps must also be taken to bring the abominable use of child soldiers to an end. In this context, we welcome the Secretary-General's attention and efforts to address the problem of sexual violence by United Nations peacekeepers or civilian personnel.

Seven, a coherent and integrated approach by all actors is essential. Closer coordination must be guaranteed among the national players — the International Committee of the Red Cross, the United Nations, regional and subregional arrangements and humanitarian organizations providing protection and relief assistance to civilians in armed conflict.

And eight, regular monitoring and consistent and objective reporting by the United Nations system across all conflict situations must be ensured with a view to encouraging necessary responses from the international community. In our view, there should be no neglected emergencies, no ignored conflicts.

In conclusion, let me say that strengthening the framework for the protection of civilians in conflict situations, which are characterized by an increasingly challenging environment and diversity of actors, is not an easy undertaking. The Security Council should remain focused and keep individual civilian victims of conflict at the centre of attention. But this must also be done within a larger framework that puts an equal premium on conflict prevention, conflict resolution, addressing root causes and providing long-term assistance to tackle the developmental and reconstruction challenges of States affected by or likely to be engulfed by conflict. As the Secretary-General has stressed, our efforts to promote a culture of protection can achieve moral authority and credibility only through principled, consistent and effective practice.

Mr. De La Sablière (France) (*spoke in French*): First of all, Mr. President, I would like to say how pleased my delegation is with the initiative you have taken. The fact that you have come to chair this debate in person shows very well the importance that Algeria accords to the question of protection of civilians. We are also pleased to see that Secretary-General has joined us, since he has done so much to protect civilians in armed conflicts. I would also like to thank Mr. Egeland for his statement, which has provided a great deal of information.

I associate myself with the statement that the Ambassador of the Netherlands will make shortly on behalf of the European Union. For my part, I will just make a few remarks.

The protection of civilian populations in armed conflicts has become a major issue for international peace and security. To us it seems important that this matter be treated, at least in part, from the standpoint of collective security and the use of force in the report of the group of eminent personalities. There is a collective obligation to protect when a State is no longer in a position to exercise one of its primary responsibilities — to protect the population living on its territory — or no longer has the will to do so. It is therefore crucial that the question of protection of civilians in armed conflict be on the Council's agenda. It has been on the agenda for five years, but it is now high time to fine-tune our analysis and our strategy regarding the Security Council's responsibility to protect.

I note first that the protection of civilians has become an integral part of the mandates of most peacekeeping operations. It is worthwhile that there be discussions on integrated missions between the Department of Peacekeeping Operations and the office of Mr. Egeland, with the purpose of better defining relations between the military and humanitarian components. But we must distinguish these integrated missions, which have other objectives besides protection, from actions taken by the Council that are centred on protection, which could be authorized in future on the basis of the emerging norm of collective obligations to protect.

France welcomes that development and has very logically made some proposals on that subject. Furthermore, this is the idea behind the recommendations of the group of eminent personalities, which in this area will bring up military interventions as a last resort. We believe the Council should deal directly with massive violations of international humanitarian law. It has a range of possible options. In the most dramatic situations, a military intervention might be the only option to avoid or stop substantial loss of human life, but I would recall that such an this option would be without prejudice to other actions that the Council might undertake first — preventive diplomacy or deployment of civilian or military prevention forces.

At any rate the role of the Council must be properly connected with the protection mandate of other United Nations bodies — the General Assembly, Economic and Social Council, the Human Rights Commission of course — but also the agencies that, alongside the International Committee of the Red Cross and other international organizations and NGOs, are often the first responders on the ground when there is a humanitarian emergency. The recent experience of Darfur shows the need to establish a comprehensive protection strategy, which will allow us to better coordinate actions among all participants. Proper coordination on the ground is, in fact, a guarantee of effectiveness.

The Council's taking effective action in terms of protection also depends on what tools and what information are available to it. Excellent work has been done in this regard with the aide-memoire in particular. The 10 action points identified by Mr. Egeland are a very useful platform and will allow us to take up all aspects related to civilian protection.

We perhaps could go further. I have a few suggestions.

First, the reports of the Secretary-General on the protection of civilians could be presented to the Council annually, instead of every 18 months. They could also more systematically catalogue the elements that constitute protection crises and include, for example, a listing of particularly serious situations pertaining to the refusal to grant humanitarian access and cases in which camps for refugees or displaced persons are attacked or infiltrated by armed elements. The reports could also be more specific when it comes to those victimized by sexual violence who are used as a weapon of war.

Moreover, when necessary, the practice of providing biannual briefings could be supplemented by more specific briefings. Those briefings could deal with especially worrisome situations, as has already been done, for example, with regard to Darfur and Uganda. These briefings would be given without prejudice to other measures — for instance, the Council hearing the High Commissioner for Human Rights.

Mr. Egeland has just given us a rather bleak assessment of the situation. Allow me to respond to some of the points made in his briefing.

I should first like to take up the right to humanitarian access, which is the logical corollary to the right of civilian populations under threat to assistance and protection. It is unacceptable for that right or its legal underpinnings to be contested. It is equally intolerable for combatants to target humanitarian personnel providing assistance on the ground. We have the duty to continually reaffirm the right to humanitarian access in the texts we adopt. However, such a necessary standard reminder is clearly not enough. In cases where a crisis of access arises, the Council often needs specific information, for which it might be useful, and even necessary, to deploy fact-finding missions to very precisely identify the causes and scope of a problem. While insecurity in combat zones is difficult to deal with in the absence of a ceasefire, other obstacles to access — such as administrative impediments and the refusal to issue visas and laissez-passers — can be dealt with quickly, as was done in the case of Darfur.

It is often necessary to establish contact with all parties to a conflict, and in particular with armed groups controlling parts of a territory in which people under threat live. I know that carrying out a dialogue with non-State actors is a delicate matter. However, once again, the need to assist and protect should be more important than anything else. If, for obvious reasons, officials are unable to negotiate access, they should not stop humanitarian personnel, agencies or non-governmental organizations from doing so.

As Mr. Egeland pointed out in his briefing, the fact that the use of sexual violence as a weapon of war is increasing is another very serious issue. The reason for that can usually be summed up in one word: impunity. For example, thousands of women have been raped and attacked in the Democratic Republic of the Congo and Darfur. The people who committed those crimes, which are serious violations of international humanitarian law and are so defined by the Rome Statute, have to date not been subject to proceedings. That situation cannot be tolerated, whatever the reasons for the impunity — be it voluntary inertia, the physical inability of authorities or the collapse of national judicial systems. The culprits must nevertheless be identified and held accountable for their actions. Whether to name and shame those responsible should be considered in very serious situations; it is a matter that deserves to be looked into further.

More generally speaking, the international community has not yet satisfactorily addressed the issue of impunity regarding those who launch deliberate attacks against civilians. We have made some progress, but it is not enough. There are several reasons for that. One, and certainly not the least, is the lack of consensus with regard to the International Criminal Court. As a result, the division that exists in that connection has led to considerably limiting the Council's action today. This is a real problem. Combating impunity follows the same logic as the provision of protection, to which I referred at the beginning of my statement. The international community should react unanimously when a State cannot charge individuals who commit gross

violations. In particular, the Council must be able to turn to article 13 (b) of the Rome Statue, which provides the Council with the option to approach the Prosecutor of the International Criminal Court. It seems to me that there must a minimum of consistency in that regard. We cannot use article 98 of the Statue and then block the use of article 13 (b), which would make it possible to effectively combat impunity.

Lastly, allow me to say a few words with regard to a matter that France has been following very closely, and that is the situation of children in armed conflict. International humanitarian law provides special protection for children because they are the most vulnerable members of a civilian population. It is therefore especially intolerable that not only would such protection be denied them, but that they would also be recruited as combatants. The Security Council must continue to be involved in this area in order to effectively combat such terrible practices. I am pleased that, on the initiative of Benin, the Council will address this matter in greater detail at the beginning of next year. I hope that the report of the Secretary-General on this question will soon be available. The matter is too serious for there to be any overriding considerations other than the interests of children — be they legal, political or bureaucratic in nature.

In conclusion, I would like to express France's full support for the draft statement that has been prepared by the Algerian presidency. That text is very useful in that it focuses on the major problems associated with the protection of civilians, including those that I have just mentioned. I hope that it will be possible to go further next year and to adopt a resolution that takes into account the considerations that have been raised with regard to the Council's role in the area of protecting civilians.

The President (*spoke in Arabic*): I thank the representative of France for his kind words directed at my country.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I would like to welcome the President and to thank him for having travelled to New York from afar to personally preside over today's meeting. His having done so clearly demonstrates that he and his country attach great importance to the United Nations, the Security Council and the issue we are considering today. I would also like to thank the Secretary-General for the relevant information he has provided, as well as Under-Secretary-General Egeland for the briefing he has just given.

In recent years the issue of protecting civilians in armed conflict has been the subject of increasing international attention and concern. The Security Council has taken up the matter on numerous occasions and has adopted relevant resolutions and presidential statements. Other United Nations agencies have also made great efforts. Many humanitarian organizations have also played a positive role in relieving the suffering of civilians in armed conflict. The basic needs of thousands upon thousands of civilians for food, water and medicine, can hardly be assured. Civilians are the targets of repeated attacks of all kinds. Thus, it is obvious that much remains to be done by the international community concerning the protection of civilians. In that regard, I wish to stress the following points.

First, all parties to a conflict should strictly abide by international humanitarian law and scrupulously fulfil their obligations with regard to the protection of civilians. The relevant United Nations agencies and peacekeeping operations should increase their advocacy of international humanitarian law and raise the awareness of parties to a conflict of their civilian protection responsibilities, and should ensure that the relevant peace operations abide by provisions concerning the protection of civilians. Moreover, humanitarian relief workers and organizations should strictly abide by the principles of justice, impartiality and objectivity, and should refrain from involvement with, or support for, any party to a conflict.

Secondly, facts have shown that military means do not provide a fundamental resolution of conflict and in many cases only serve to complicate matters and result in greater casualties among innocent civilians. Only focusing on prevention and addressing both the symptoms and the root causes of conflict can result in the fundamental settlement of a conflict, and in the protection of civilians.

The international community should provide help to effective countries or regions in conflict to formulate comprehensive and integrated strategies of conflict prevention, remove the root causes of conflict, promote national integration and reconciliation and attain sustainable development. Coordination and cooperation should be strengthened within the United Nations

system, and among the United Nations system, regional organizations and United Nations Member States.

The Security Council should make further efforts to contain conflicts and promote and consolidate peace processes. In addition, the attainment of the Millennium Development Goals would contribute to the international community's efforts to prevent conflicts. We appeal to all parties to address that issue, and to take effective follow-up measures.

Finally, I would like to pay high tribute to humanitarian workers who brave warfare and make selfless contributions without regard for their personal safety and their lives. They have not only brought food and medicine to those in dire situations and need, more important, have also brought hope for survival. We condemn all attacks against humanitarian relief workers and appeal to all parties to implement Security Council resolution 1502 (2003) in earnest and to punish severely those responsible. We also appeal to all countries to give positive consideration to accession to the Convention on the Safety of United Nations and Associated Personnel.

Mr. Baja (Philippines): We are honoured, Mr. Minister, that you are presiding over the Security Council meeting on this important issue of the protection of civilians, and we thank your delegation for convening this open debate. I also thank the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for presenting an update on protection issues in conflict situations and for stressing his seven challenges and recommended responses with regard to those protection issues.

The continued and worsening suffering of many civilians today is an unacceptable irony considering the advances that man has achieved in the new millennium. Just as collective efforts in commerce and information technology have benefited mankind, collective efforts are also essential in responding to the various protection challenges that are bound to affect societies. Three major points will give a fresh perspective on the issue; a system-wide approach; more proactivity; and domestic ownership of a culture of protection.

Concerning the system-wide approach, my delegation is happy to note that the Security Council appears to have accepted the link between security and human rights and the growing consciousness within the United Nations with regard to the crucial importance of a coherent system-wide response to the situation of affected civilians. No organ or entity of the United Nations has a monopoly on effective response. The work of the Council on the issue should, therefore, be effectively integrated with the work of other entities in the Organization — particularly with that of the General Assembly, the Economic and Social Council and the specialized agencies — and, in applicable cases, with the work of non-governmental organizations and civil society.

In that regard, we cannot overemphasize the value of the road map for the protection of civilians, which lays out the responsibilities of all concerned United Nations entities. We call for a periodic assessment, possibly to be led by the Under-Secretary-General for Humanitarian Affairs, of the progress by various concerned United Nations organs and agencies in the discharge of their mandates in this area. That information could very well feed into an enhanced and accurate reporting and monitoring framework and also provide valuable input for the review of the Millennium Declaration, which identified the theme of protecting the vulnerable as a priority.

The report of the High-level Panel on Threats, Challenges and Change (A/59/565) stresses the need for United Nations organs, including the Security Council, to be more proactive in their work. Indeed, my delegation believes that that recommendation cuts across all the issues within the Council, including its work on the protection of civilians.

It may be observed that the greater part of the work of the United Nations in protecting civilians involves after-the-fact operations that are mainly reactive responses to crises. Although it is understandable that work in protecting civilians occurs more during or after a conflict, there should be more effort to protect civilians in the face of imminent conflict. That proactive way of protecting people will save more lives and reduce vulnerability to the grim consequences of conflict. Specific strategies would entail a more systematic incorporation of protection issues in the planning of all peace support operations to include procedures, inter alia, to detect and prevent sexual and gender-based violence, mitigate the negative consequences of displacement and curb the use of small arms to perpetuate conflict.

More fundamentally, being proactive in the protection of civilians fosters the prevention of conflict. Pivotal to meeting the challenges of

preventing conflict and related security threats is the analysis of and response to the root causes of conflict. As observed by the High-level Panel in its report, lack of development undermines peace and security. The Panel also emphasized that development is vital in preventing the erosion of the capacity of States in meeting the threats to security and constitutes the way towards peace and security in the long term.

The United Nations is auspiciously placed to forge regional networks of cooperation and support in order to ensure the protection of civilians at all stages of conflict — more favourably, at the pre-eruption stages. The work that the Council undertakes in harnessing regional and subregional cooperation contributes to achieving a proactive strategy for the protection of civilians. The role of humanitarian organizations in that regard is important and has been acknowledged to be so, and it will continue to be vital in the future. Such recognition could best be evidenced by granting those organizations unimpeded access to civilians in need — and, more so, by ensuring the safety of their personnel.

Finally, like many other principles and systems, a culture of protection of civilians can hardly be imposed on any society. For it to be truly absorbed, there should be genuine domestic ownership of a culture of protection. Nevertheless, the international community needs to engage in emergency conflict situations where there is a lack of willingness or capacity of States to protect civilians.

The United Nations should lead efforts in capacity-building for States that request it and in facilitating the mobilization of needed resources. Along those lines, peacekeeping operations should have robust and well-resourced human rights components focusing on children and gender. The Security Council promotes domestic ownership of a culture of protection by enabling concerned States to effectively respond to crises and ensure respect for and adherence to the principles of international law. United Nations country teams and peace missions can also play a role in facilitating the devolution of a culture of protection from the national level to the local levels of society. Once again, the reports, briefings and proposals by humanitarian organizations, based on their experience on the ground, will be of immense help in that regard.

The agenda for the protection of civilians requires sustained and pragmatic commitment. Political will among all concerned should be heightened and translated into tangible strategies to improve the environment of protection for all civilians. That would now best be applied in the specific crises cited by Under-Secretary-General Egeland, such as those in the Democratic Republic of the Congo, Côte d'Ivoire, Afghanistan, the Sudan, Iraq, Liberia and Somalia. We are happy to note that those protection issues are firmly on the Council's radar.

Sir Emyr Jones Parry (United Kingdom): At the outset, may I thank you, Mr. President, and the Algerian presidency for convening this meeting and for choosing this particularly important subject. We are honoured to have you with us here today.

I would like to associate myself with the remarks to be made subsequently by the Dutch presidency of the European Union.

Allow me also to thank Under-Secretary-General Egeland for his comprehensive and powerful briefing. I would like now to respond to some of the points that he made.

First, humanitarian access lies at the heart of the protection response. The inability to deliver humanitarian relief to victims of conflict directly concerns this Council. We therefore concur with Mr. Egeland's encouragement that the Council use its authority where necessary to facilitate assistance and protection. We need to strengthen the overall response capacity of the humanitarian community.

Secondly, in order to do that we must reduce the delays in humanitarian financing for the provision of that assistance and protection. Donors must do better in that regard and disburse funds more quickly, including, upon request, to regional organizations, which also play an important part in protecting civilians. The need for a quick response to an individual crisis should not be delayed by tardiness in producing a response to a special dedicated appeal.

Thirdly, there is an urgent need to strengthen the collaborative approach to protection, especially at the field level, between humanitarian and human rights actors. We note a serious lack of results-based reporting on protection objectives in humanitarian programmes. This could perhaps be considered along

with the Secretary-General's proposal for a mechanism to provide better facts and statistics on protection.

Fourthly, threats to humanitarian staff threaten the viability of humanitarian operations. We must find creative ways to address that problem, using humanitarian and political diplomacy, recognizing that the relationship between humanitarian action and the objectives of political and military activity is more complicated than was suggested by the Under-Secretary-General. In Iraq, the recent abduction of Margaret Hassan provides a chilling reminder of the dangers faced by humanitarian personnel in the field, and we take this opportunity to pay tribute to Margaret's tireless efforts to help those in need.

Fifthly, we need to address sexual and gender-based violence in a more systematic way, perhaps through the International Criminal Court. We agree with Mr. Egeland that there can be no impunity for such acts and that the Council must press for accountability. That must apply, in particular, to the behaviour of personnel working in the field under the flag of the United Nations. We all have an obligation to ensure strict adherence to the standards of conduct that the Secretary-General has set out in his bulletin.

Sixthly, this wide-ranging debate on the protection of civilians in armed conflict is very welcome. It demonstrates the Security Council's interest and competence in the subject. However, in the view of the United Kingdom, we must adopt a more proactive stance. Jan Egeland has suggested some areas for follow-up, but there are more, including the need to look at situations in which the difficulty of humanitarian access portends potential conflict. The United Kingdom believes that a stronger role by the Council throughout the conflict spectrum is overdue. The Council therefore should engage more directly in the commitment to prevent and in the responsibility to protect. The follow-up to the report of the high-level panel gives us the opportunity to move that agenda forward.

The situation in Darfur exemplifies why these points are important. Six months ago, in his last briefing to the Council, Mr. Egeland expressed deep concern about attacks on civilians in Darfur. Sadly, that situation has improved little. The recent escalation of violence and the continued breaches of international human rights and humanitarian law underline the failure to protect civilians in Darfur. Unless all parties abide by their commitments, halt hostilities immediately and agree on a political solution to the conflict, the international community, including this Council, will need to take more decisive action. The United Kingdom welcomes the text of the proposed presidential statement and, like Ambassador De La Sablière, we would like to see a resolution adopted soon in this area.

Finally, by way of an advertisement, I would like to announce that the British Government will host a Wilton Park conference on the protection of civilians in February 2005. The conference will examine the definition of "protection", as well as the protection gap between the legal framework and the realities on the ground. We are in the process of finalizing the details of that conference. My delegation will be happy to provide more concrete information in due course.

Mr. Pleuger (Germany): Mr. President, I would like to welcome you to the Chair. We feel very honoured by your presence, which shows your commitment to this cause. We thank you for giving the Council the opportunity to return to the very important issue of the protection of civilians in armed conflict. I also wish to thank Mr. Egeland for his comprehensive briefing, which provides food for thought and impetus for further action.

Germany fully aligns itself with the statement that will be given by the delegation of the Netherlands on behalf of the European Union later in this debate.

The latest report of the Secretary-General on the protection of civilians in armed conflict (S/2004/431) charts the way forward. Germany fully endorses the report and the recommendations and observations contained therein.

In the year 2005, we will aim for a major stocktaking of where we stand in the achievement of the goals that we agreed upon at the Millennium Summit in 2000. The protection of civilians in armed conflict is one of the priorities in the Millennium Declaration; it cites the need to expand and strengthen the protection of civilians in complex emergencies and crises in conformity with international humanitarian law.

This Council has ample reason to continue and intensify its consideration of this cross-cutting issue in the months to come. The success and sustainability of our efforts hinge on how we handle the matter.

Cross-cutting as it is, protection must go beyond a short-term humanitarian engagement. Humanitarian assistance and its tools are vital, but we need more: cooperation and coordination with all actors responsible for security, crisis prevention, disarmament, demobilization, reintegration and repatriation, law enforcement, capacity-building, reconstruction and development, and other relevant components. All partners must act in the spirit of a humanitarian social contract. The problem of illicit small arms and light weapons in many conflict regions needs to be tackled in parallel to the demobilization and disarmament of ex-combatants.

The protection of civilians in armed conflict is a highly complex subject — so complex that the Council saw the need to adopt an aide-memoire that breaks the topic down into tangible fields, or elements of protection. We would like to emphasize the usefulness of the aide-memoire and of the road map on the protection of civilians in armed conflict as tools to better facilitate and synchronize discussion and action to be taken. Germany also endorses the 10-point platform that was presented by Under-Secretary-General Jan Egeland to the Security Council at its meeting last December. My delegation would see great merit in the adoption of the 10-point platform by the Council.

On this occasion, Germany would like to propose three points that we deem to be of crucial importance concerning areas where the need for progress is urgent. These points are also reflected in the report of the High-level Panel on Threats, Challenges and Change. We appreciate the fact that the authors of the report saw a need to touch upon the protection issue, and we agree with their recommendations in that regard. We propose the following.

First, let us put an end to impunity. Impunity is one of the worst root causes of the violation of the integrity of civilians. Parties to armed conflict need to comply with international humanitarian law, in particular the four Geneva Conventions and their two Additional Protocols. If we do not end impunity for violations of international humanitarian law, refugee law and human rights law, there will be no deterrent for the perpetrators of such acts of violence and aggression. Combatants who violate the principles of humanitarian law — be it by committing acts against civilians or acts against humanitarian personnel — need to know that they are acting against fundamental principles of humanity and that their acts will eventually come under the close scrutiny of the International Criminal Court or of a regional tribunal.

In that regard, we fully concur with the High-level Panel in its calls on combatants to abide by the provisions of the Geneva Conventions and on all Member States to sign, ratify and act upon all treaties relating to the protection of civilians, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, the Rome Statute of the International Criminal Court and all refugee conventions. I would like to emphasize the role that the International Criminal Court might have in addressing the issue of impunity. We regret that there is serious disagreement about the role of the Court. We believe that we should consider options and possibilities aimed at bridging those differences, because we need to advance further towards universal acceptance of the Court's jurisdiction.

My second point is that we should better address the issue of humanitarian access, as some previous speakers have already pointed out. As the Secretary-General pointed out in his most recent report (S/2004/431), humanitarian access is either denied or obstructed for more than 10 million people around the world. Given such a number, my delegation finds it difficult to understand why we have to fight so hard in the General Assembly and in the Economic and Social Council to include proper language on access in resolutions concerning humanitarian assistance.

Humanitarian access has a single goal: to help people who are in critical need. No humanitarian action, no humanitarian staff member, intends to violate the sovereignty of States. Sovereignty is not a predominant issue for the humanitarian community, but it is a crucial point for those who deny access or link access to prior approval by the State concerned. That conflict of perceptions determines our humanitarian discussions and actions. Our energies are siphoned off by legalistic skirmishes, when instead we should be acting in concert to reach a broad-based operational approach. We believe that the vulnerable and those who suffer merit a more effective decision-making process among ourselves.

We appreciate the recommendations contained in the report of the High-level Panel on viable, practical measures such as training for political and peacekeeping representatives to negotiate access and

the use by the Security Council of special field missions or other diplomatic measures to enhance access and the protection of civilians.

If we want to improve the quality of protection, we have to look at the field. There is an evident need for improved coordination of protection measures at the field level. To date, no single United Nations agency has the overall competence to deal with protection. However, protection can be properly executed only if it is tackled in a comprehensive way. A first practical example of such coordination is the protection working group that was recently established in Khartoum to deal with protection issues in Darfur. My delegation is convinced that the Council should study additional ways in which to reach a more comprehensive level of protection.

Thirdly, we must stop the recent trend of using sexual violence as a weapon of conflict. The importance of reversing the escalating cycle of violence against women and children during and after conflict cannot be overstated. Women and children — be they civilians or female or child soldiers — are among the most vulnerable groups in times of conflict. Women are increasingly subject to cruel, degrading and often lethal treatment in times of conflict. Children suffer most and have the fewest defences in conflict situations if they are separated from or deprived of their parents, and their ability to cope with a quickly changing environment is very limited.

Many children without protection are being kidnapped and made child soldiers. Pressing children into military duty rather than letting them develop peacefully is one of the most short-sighted and cruel acts anyone can commit. Even apart from the cruelty involved, it will have a long-term negative impact. In that regard, I should like to recall Council resolution 1539 (2004) and the preceding relevant resolutions.

Women and children are also, to an unprecedented extent, victims of atrocious sexual violence. Worse still, sexual or gender violence is intentionally and systematically used as a weapon of warfare. We must undertake special efforts to study that phenomenon as diligently as possible to come to a swift determination on how to stop that practice. In its report, the High-level Panel proposes giving human rights components of peacekeeping operations explicit mandates and sufficient resources for investigating and reporting human rights violations against women. The Panel also proposes that the recommendations of Council resolution 1325 (2000) on women, peace and security and of the associated Independent Experts' Assessment for the protection of women be fully implemented. The German delegation fully concurs with those proposals.

Let me end my remarks by reiterating our position: we believe that a new resolution on the protection of civilians would be a feasible option for the Council. I say that, bearing in mind that many of the points raised by the excellent Security Council resolutions 1265 (1999) and 1296 (2000) still await implementation. However, we believe that the changing character of conflict and the development of new threats, new institutions and new tools to engage more effectively in assistance should be reflected in an operational text adopted by the Council.

Mr. Holliday (United States of America): I would like to welcome you, Mr. Minister, and to congratulate Algeria on its presidency. I would like also to thank Under-Secretary-General Egeland for his presentation.

The Secretary-General's report (S/2004/431) of 28 May, concerning the protection of civilians in armed conflict, paints a disturbing picture but also highlights ongoing work towards safeguarding civilians from the devastating effects of armed conflict. The Secretary-General and the Office for the Coordination of Humanitarian Affairs have provided us with a useful status report on the current situation and with good direction for the way ahead. Much depends, however, not on what we say or do here, but on what Governments do to protect their own people or to allow others to help.

Support for the protection of fundamental human rights is one of the foundations of United States foreign policy, as Secretary Powell outlined this week on the occasion of Human Rights Day. The lessons of the past are clear: the enjoyment of human rights helps to secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies and prevent humanitarian crises. Regimes that violate the human rights of their own citizens are more likely to disrupt the peace and security of countries in their regions. The best guarantor of security and prosperity at home and abroad is respect for individual liberty and the protection of human rights through good governance and the rule of law.

Let me now turn briefly to some specific cases of concern to us in the international community. We continue to be gravely concerned about the ongoing crisis in Darfur, and especially the impact of the conflict on civilians in that region. Up to 70,000 have died, and another 1.8 million have been displaced. The situation in Darfur illustrates the urgent role that States must play to safeguard civilians, including those who are internally displaced. When States fail to do so, the United Nations, together with humanitarian agencies and organizations, must speak out and help address those crises. Several other countries, including Afghanistan, the Democratic Republic of the Congo and Liberia, have emerged from long-standing armed conflicts into delicate situations of transition where many protection challenges have increased. United Nations peacekeeping and assistance missions, together with support from non-governmental organizations and United Nations agencies, help to ensure that civilians in those regions are not denied the dividends of peace.

We are encouraged that the Security Council has been addressing the regional dimensions of civilian protection more consistently. Furthermore, Security Council resolutions and peacekeeping mandates regularly identify key protection issues, including the deliberate targeting of civilians, the use of sexual and other forms of gender-based violence, the recruitment and use of child soldiers and the need to ensure humanitarian access to facilitate the delivery of assistance and ensure the safety of United Nations and associated personnel.

On a related note, several of our Council colleagues have spoken of the need to deal aggressively with the question of impunity. As we have said on numerous occasions, the United States is committed to international accountability for war crimes, genocide and crimes against humanity. The impunity issue is a very important one and must be addressed. As my Council colleagues will appreciate, the United States position with regard to its own participation in United Nations missions and the International Criminal Court (ICC) is well known. It is our understanding that this particular presidential statement that we will adopt today does not deal with questions of the jurisdiction of the ICC. We are grateful to the Government of Algeria for leading us in formulating an excellent presidential statement, which we are very pleased to support.

In closing, the United States reiterates its support for United Nations efforts to promote universal respect for human rights and to help protect civilians from dangers arising from armed conflicts in many places around the globe. We encourage the Secretary-General, Under-Secretary-General Egeland and other key actors in the United Nations system to continue the dialogue on how United Nations bodies can better work together with States to promote protection and to present country-specific recommendations for the Council's consideration.

Mr. Dumitru (Romania): We are very honoured by your presence, Mr. Minister, and we wish to thank you and the Algerian presidency for taking the initiative of holding this very important and timely meeting on a highly topical matter. We are also grateful to Under-Secretary-General Jan Egeland for his thoughtful briefing. I would like also to mention that Romania associates itself with the statement which is to be made by the Permanent Representative of the Netherlands to the United Nations on behalf of the European Union.

We welcome the performance and progress that the United Nations and its partners have achieved in their humanitarian work since the Secretary General's report of 28 May (S/2004/431). However, it is evident that the situation remains disturbing in many parts of the world, since civilians, in particular women, children and other vulnerable groups, are increasingly targeted by combatants during armed conflict.

It goes without saying that the Council has already acted with respect to the protection of civilians in armed conflict. It has made a considerable number of commitments and identified certain priorities, which have been addressed to a significant extent. Nevertheless, the ever-changing picture of conflict we witness today forces us to adjust the ways we address the problem.

Perhaps the most dramatic evidence of the changing nature of conflict is the fact that civilians are no longer just incidental victims of armed conflicts, but have increasingly become targets and even tools of warfare. Women and children are especially vulnerable in situations of armed conflict, and there are situations in which humanitarian workers of the United Nations and non-governmental organizations have become direct targets — as a tactical move frequently resorted to by the factions engaged in conflict.

When moving from conflict to peace or from one conflict to the next, we are able to ascertain new trends and become aware of new needs related to the protection of civilians. We continually identify new threats to civilian populations, including to the most vulnerable among them, and foster attempts to come up with the right answers — often on a case-by-case basis in order to protect them. Each conflict is a milestone in that effort and teaches us new lessons. This Council has the obligation to adjust its responses accordingly.

First, we must strengthen norms and ensure their proper implementation. The Security Council must make sure that parties to conflicts are pressured to comply fully with the provisions of the Charter of the United Nations and with the rules and principles of international law, in particular international humanitarian, human rights and refugee law.

Further, we need to step up efforts to ensure that all States live up to their commitments to end impunity and prosecute those responsible for genocide, war crimes, crimes against humanity and violations of humanitarian law. Taking into account the special need for protection of certain categories of civilians, we must undertake specific measures and design a broad strategy with the aim of preventing and addressing cases of sexual and gender-based violence and making sure that those atrocious violations of human rights do not go unpunished.

Against that backdrop, Romania considers that special attention still needs to be given to the humanitarian crisis in Darfur, as well as to those in northern Uganda, Côte d'Ivoire and the Democratic Republic of the Congo — to name only the most tragic examples of situations in which civilians are suffering from armed conflicts. We have been actively involved in encouraging the inter-Sudanese peace process and in finding solutions for the humanitarian crisis in Darfur. The Security Council must continue to be active in that respect; Romania is ready to support the creation of new instruments designed to appropriately calibrate our responses in order to protect civilians in armed conflict in an ever-changing security context.

Prevention is key to protection. In that respect, we need to adopt a more strategic approach in order to address the root causes of armed conflict in a comprehensive manner. The international community must provide the necessary incentives for parties to engage in meaningful processes of political reconciliation. Establishment of democratic institutions, respect for human rights and ensuring material conditions for sustainable development in societies shaken by conflicts are of no less importance.

On the other hand, the regional dimension of certain armed conflicts has been proven. Romania has always strongly supported the United Nations entrusting regional organizations with the mandate to take up this agenda and bring the tasks associated with it to fulfilment. In order to better calibrate our response to the evolving environment of conflicts and to build a viable system of protection — on issues involving the processes of disarmament, demobilization, reintegration and rehabilitation; refugees and internally displaced persons; or small arms — we must also think regionally and engage the United Nations in a mutually beneficial cooperation with regional organizations. The development of a regional protection strategy should be one important step in that direction. We welcome the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations could engage with regional organizations in a more systematic way when addressing humanitarian aspects of various crises at the regional level.

We are of the opinion that is it essential to improve the overall capacity of the United Nations system to provide appropriate responses to crises — for example, by providing peacekeeping missions with appropriate mandates and adequate resources, thus enabling them to better attain their objectives, including the protection of civilians in situations of armed conflicts.

It is in this very context that Romania welcomes the Algerian initiative to conclude this important meeting with a presidential statement that would also open the road to further follow-up, including by the Security Council, of this topical issue.

Mr. Adechi (Benin) (*spoke in French*): We welcome you, Sir, and are honoured to see you in the Chair for our debate today. We commend your delegation for the initiative you have taken to organize this open meeting on a very important topic, given the gravity of the situations to which it refers.

The statement just made to the Security Council by the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, shows how great our challenge is in this area. We would like to thank Mr. Egeland for again having been up to the task of

defining the tribulations that civilians face in situations of conflict throughout the world.

States have the major responsibility to protect their populations that are under their sovereign control. It is a major principle of international law. That responsibility implies that appropriate measures must be taken to ensure the security of people and property on the territory that the State controls. That responsibility is often flouted by the defiant behaviour of non-State armed groups, who launch attacks and commit atrocities against civilians, revealing the difficulty that some States have in meeting their governmental responsibilities.

The Security Council has adopted many resolutions examining this issue from different angles, the last one being resolution 1566 (2004), which condemns all attacks against civilians. Protection of civilians in time of conflict is no longer considered a subsidiary element of the Security Council's mandate, which is to guarantee international peace and security. Protection of civilians is an integral and essential part of this mandate. The ultimate goal of the Council's work is, in fact, to protect the security of people throughout the world, not only those in the States where they live.

Since 1999, the Security Council has recognized the complex nature of contemporary conflicts and the more obvious need to take into account, in a consistent and comprehensive fashion, the situation of civilians in all international interventions that seek to end a conflict. Last year, during this same period in December, and in June of this year, the Council dealt with this question. Among other actions contemplated, the Council decided to give preponderance to the aide-mémoire and the ten-point plan of action, also known as the humanitarian road map. To be effective, these instruments must be regularly updated.

We are pleased that the protection of women, children and the elderly, as well as displaced persons, is seen as an important issue. In treating these issues, it is necessary to give pride of place to gender-specific and gender-related measures that will help to better define the mandate of peacekeeping operations, as well as support programmes for reconstruction. And we should, as well, establish refugee camps for displaced persons far away from borders to ensure their civilian character. Increasing the effectiveness of the response of the international community in terms of protecting civilians can be accomplished by means of three priority actions.

First, prevent human rights violations and gross abuses. To do that, the Council should reaffirm the need to prevent excesses against civilians. Wherever civilian populations are threatened, the Council must be up to the task of deciding quickly on the measures needed to ensure their protection. The mandate of peacekeeping operations must allow them to intervene effectively to stop massacres and other massive violations of human rights.

Secondly, compel the parties to conflicts to strictly respect international humanitarian law and human rights. The Council could take measures that would increase the penalities for misconduct on those who engage in it. Sanctions targeted against those who commit such violations could serve as a deterrent. Blocking access to populations who need humanitarian assistance and attacks on humanitarian staff should be included among the acts that trigger the imposition of international sanctions.

Thirdly, put an end to impunity. Repeated massive violations of human rights and humanitarian law during conflicts result from the fact that the perpetrators of these heinous crimes still have a great deal of room to manoeuvre and freedom to commit those crimes. The mere creation of international criminal tribunals seems no longer to be sufficient. It is necessary to help apprehend and bring before those bodies those who infringe upon the universally recognized norms. This could be accomplished by giving peacekeeping operations the power to refer to international jurisdictions those who have committed crimes in their areas of competence. To do that, the Council would have to speak with one voice.

What about United Nations staff who are engaged in reprehensible conduct in the exercise of their functions within peacekeeping operations and in various situations where the population needs their help to ease suffering? My delegation welcomes the measures taken by the Secretary-General, in particular, Secretary-General's Bulletin (ST/SGB/2003/13) on special measures for protection from sexual exploitation and sexual abuse. We support the content of that Bulletin, being of the view that the staff of the Organization should be above reproach and must fulfil their obligations and responsibilities with the dignity appropriate to functions of that nature.

Above and beyond these considerations, the Council must give more attention to the prevention of conflicts and make sure that the efforts of peacebuilding following conflicts will recognize the crucial role that women and civil society can play in the consolidation of the processes of normalization and in national reconstruction.

Finally, we support the draft presidential statement that has been tabled by the French delegation.

The President (*spoke in Arabic*): I thank the representative of Benin for his kind words.

Mr. Sardenberg (Brazil): First of all, I would like to express how pleased my delegation is to see you, Mr. Minister, presiding over the work of the Security Council today. Algeria's views on the crucial issues under consideration in the Council are always a valuable contribution. They broaden the perspective of analysis, thus adding value and credibility to the work of the Security Council.

May I also emphasize my delegation's sincere appreciation to Ambassador Abdallah Baali for his performance as President of the Security Council for this month.

Protecting civilians in armed conflict is one of the most challenging tasks facing contemporary international life, so I would also like to express my delegation's appreciation to Under-Secretary-General Jan Egeland for his comprehensive and thought-provoking statement.

It has been one year since Mr. Egeland presented to the Security Council his ten-point platform on the protection of civilians in armed conflict. Today's debate is a welcome opportunity to revisit this critical topic, address some of the most pressing issues and focus on concrete steps forward. As we are well aware, problems relating to protection have reached distressing dimensions, and, in paragraph 231 of the report of the High-level Panel on Threats, Challenges and Change (A/59/565), the diagnosis on the subject of protecting civilians is precise:

> "In many civil wars, combatants target civilians and relief workers with impunity. Beyond direct violence, deaths from starvation, disease and the collapse of public health dwarf the numbers killed by bullets and bombs. Millions more are displaced internally or across borders. Human rights abuses and gender violence are rampant."

Actually, it could even be said that, in some wars, civilians seem to be the belligerents' preferred targets. The work of humanitarian actors has, in many cases, been hindered or prevented by denial or obstruction of access, poor security conditions and lack of resources. These are key challenges for the United Nations as a whole and for its humanitarian partners.

The Council itself has achieved quite a lot in pushing forward the agenda for the protection of civilians. The time has come to reaffirm our commitment and agree on comprehensive, coherent and action-oriented approaches. The resolutions already adopted by the Council offer much potential for our work to advance.

More effective use must be made of the set of rules that seek to limit the effects of armed conflict. Law must be translated into concrete action. The primary responsibility to abide by law and to protect civilians from the ravages of war lies with belligerents. They must comply fully with international humanitarian law; but in contemporary conflicts, humanitarian law seems mostly neglected or deliberately breached. There is an ever-widening gap between existing international norms and respect for such norms.

A concrete possibility that deserves careful attention and study is that of establishing a framework within which the United Nations could more regularly engage with regional organizations on humanitarian issues related to protection and access, as recommended by the Secretary-General in his latest report. In this respect, my delegation will focus attention on possibilities such as the mechanism to provide better facts and statistics on protection, as mentioned by Under-Secretary-General Egeland this morning.

The Security Council has an important role to play in the fight against impunity, with a view to ensuring that the gravest international crimes do not go unpunished. The Rome Statute calls for a close and cooperative relationship between the International Criminal Court (ICC) and the Council, and it provides that the Council may refer to the Court cases of genocide, war crimes or crimes against humanity. By bringing perpetrators to justice, the Court will be able to provide long-term deterrence, thus playing a

fundamental role in protecting civilians in armed conflict.

In discussing peacekeeping mandates, the Council has included provisions on the protection of civilians on a case-by-case basis. We are advancing in this area, and we must continue to do so, especially in order to ensure the protection of women, children and other minority groups. While peacekeeping operations have been broadened, they have not been provided with adequate resources for the protection of civilians. For instance, disarmament, demobilization and reintegration (DDR) programmes, a key component of the protection agenda, remain continuously under-resourced, especially in the rehabilitation and reintegration phases. In countries emerging from conflict, disarming and demobilizing activities need to be matched with actions to reintegrate and rehabilitate ex-combatants into society through employment support and other income-generating projects.

The core components of DDR programmes must be funded from the assessed peacekeeping operation budget in order to guarantee adequate and predictable funding. The lack of support for the so-called forgotten emergencies is an issue that needs to be addressed properly. If the horrors of some wars are quite often highlighted by the mainstream media, other crises appear, unfortunately, to be forgotten or ignored. We must ensure that humanitarian aid is allocated in a non-discriminatory, balanced and proportionate manner. Humanitarian assistance must be afforded on the basis of need; it should not depend on political preferences. In his report, the Secretary-General has encouraged the Council to consider the links between peace and security and inadequate funding in certain crises.

In conclusion, we have to work with all the required means to adopt concrete measures in order to alleviate the suffering of civilians who are trapped in situations of armed conflict. The most urgent task ahead of us should be implementation in the field.

Mr. Lucas (Angola): We are grateful to the Algerian delegation for organizing this meeting. We welcome your presiding over this important debate, Sir, on the protection of civilians in armed conflict, and we thank Under-Secretary-General Jan Egeland for his valuable introduction to this debate.

We endorse the platform and practical measures formulated in Mr. Egeland's statement aimed at addressing the challenges posed by the protection of civilians and at enhancing the protection of those in need.

The protection of civilians is at the core of the Security Council's mandate to ensure international peace and security, and humanitarian access to civilians lies at the heart of protection response, as Mr. Egeland reminded us in his statement. The fact that we are meeting today to consider this issue translates into two-fold reality — that the issue is at the centre of international concern and that further progress must be made in strengthening the international ability to protect civilians in situations of armed conflict.

It is my delegation's view that the Security Council, which is responsible for the maintenance of international peace and security, should assign a more relevant role to early-warning and conflict prevention mechanisms. The international community should be equipped with the instruments to translate political will, strategic vision and operational readiness to decisively address any threat to peace and to hold back crisis situations from developing into those of uncontrollable proportions. Security Council interaction with regional and subregional organizations should be further developed in the field of conflict prevention. Regional organizations are particularly well suited to work with the Security Council. They can serve as suitable double instruments for early warning about escalating tensions; they can provide accurate assessments of crisis situations and engage in preventive diplomacy with the advantage of having first-hand knowledge of local idiosyncrasies. It is our view that regional organizations can be fundamental players in conflict prevention and, as Mr. Egeland stated, they can assume great importance in providing protection to civilians in armed conflict; it is of critical importance that they are provided with the necessary support to fulfil their role.

The legal framework relating to international humanitarian law, human rights law and refugee law should be strengthened, and State and non-State actors should comply with those provisions. Governments cannot interpret these binding rules as relative norms that can be set aside if inconvenient, since they are part and parcel of the international legal order. The United Nations system should be involved, with the particular responsibility of taking appropriate and comprehensive action to achieve universal respect for humanitarian law.

Moreover, the international community should demonstrate renewed resolve in fighting impunity and in ensuring the rule of law, justice and reconciliation through the establishment of effective and fair systems for the administration of justice and in ensuring accountability for atrocities and violations of human rights and international humanitarian law.

In spite of the fact that primary responsibility for the protection of civilians in armed conflict rests with Governments, non-State actors should have a direct responsibility to ensure that the basic needs and the protection of civilian populations are met. Creating comprehensive, integrated and coherent responses to the needs of the civilian population remains a very important challenge for the international community. In that regard, we recall the Security Council's commitment in resolution 1265 (1999) to respond to armed conflict situations in which civilians are being directly targeted or humanitarian assistance is deliberately being denied.

Another issue that deserves increased attention from the international community is the traffic in and the widespread use of small arms, light weapons and anti-personnel mines, owing to their disastrous impact on the scope and the level of violence that affects civilian populations during and after armed conflicts. In that context, we underline the importance of the Nairobi Declaration at the conclusion of the Summit on a Mine-Free World.

In conclusion, we welcome the latest report of the Secretary-General (S/2004/431), which addresses a number of highly topical issues related to the protection of civilians in armed conflict, such as the separation of armed elements from civilians in refugee camps; the safety and security of humanitarian personnel; safe and unhindered access of humanitarian personnel seeking to assist civilians in armed conflict; sexual exploitation and gender-based violence in humanitarian crises and conflict situations; the commercial exploitation of conflicts and the plundering of resources, the involvement and role of terrorist organizations in armed conflict; the provision of security, law and order in post-conflict situations; disarmament, demobilization, reintegration and rehabilitation of former combatants, especially children; and the training of security and peacekeeping forces in higher standards of respect for human rights. Those are some of the fundamental issues that States, the United Nations and the international community should address in dealing with the sensitive issue the Council is dealing with today.

In conclusion, we would like to express our agreement with the excellent presidential statement proposed by the Algerian delegation and agreed by the members of the Council as the outcome of this debate.

The President (*spoke in Arabic*): I would now like to make a statement in my capacity as the representative of Algeria.

I would like to thank the members of the Council for their kind words addressed to me and to my country, and I join them in thanking Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, for his excellent briefing on the progress made in the area of the protection of civilians in armed conflict and for the important information he has provided on what remains to be done in this area so closely linked to the maintenance of international peace and security.

In spite of the gaps that remain to be filled, significant progress has been made in the area of protection, and we believe that it is appropriate to welcome those advances in the context the Millennium Declaration and the major projects undertaken — or to come — aimed at adapting the Organization's response to new challenges.

We are thinking, in particular, of the gains resulting from the gradual implementation of the recommendations of the report of the Panel on United Nations Peace Operations, of the progress made in halting impunity, of the improved coordination of efforts in conflict prevention, particularly through the establishment of an ongoing relationship with regional organizations, in accordance with Chapter VIII of the Charter and, more generally, of the progress made in the reform of the United Nations.

That progress should be consolidated next year by the decisions to be adopted following the debate on the relevant recommendations of the Secretary-General in response to the report of the High-level Panel on Threats, Challenges and Change. It is timely that the summit to be held in 2005 on the implementation of the Millennium Development Goals will be followed by the periodic review requested of the Secretary-General, thus enabling a timely five-year assessment.

The first report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957), issued in September 1999 at the request of the Security

Council, and the exchanges between the two organs pursuant to that report have provided some structure in this area, which we think should be highlighted. At various stages, the exchanges have enabled the Organization to create inter-institutional mechanisms and better-planned multidisciplinary peacekeeping operations in order to address this very difficult issue.

In fact, the key concerns in the area of protection are systematically highlighted in Security Council resolutions, and greater importance is given to them in the mandates of United Nations operations. Those concerns relate to attacks against civilians, sexual violence against vulnerable groups, humanitarian access and the process of disarmament, demobilization, reintegration and rehabilitation, which remains the fundamental element in the transition to peace.

Moreover, the more rapid deployment of United Nations peacekeeping forces and of forces authorized by the United Nations has given concrete substance to the concept of preventive deployment, which is intrinsically linked to the progress made in the regional approach to conflict prevention. The regional dimension of the protection of civilians is reflected particularly in the decisions taken in the area of disarmament, demobilization, reintegration and rehabilitation and the cross-border movement of refugees, combatants and small and light arms.

That definite progress should not lead us to overlook the numerous gaps in the legal and physical protection of civilian populations caught in the grips of war. That remains a long-term task. In fact, far from decreasing over the last five years, the number of people requiring protection has increased from 30 to 50 million. The complex nature of crises and aggravating factors, such as illicit arms trafficking, illegal exploitation of natural resources and mercenaries, all contribute to the deliberate targeting of non-combatants and have increased considerably the level of resources required in response.

The international community has in recent years shown on many occasions its determination to react swiftly to situations of emerging crises with the appropriate means, namely by providing peacekeeping operations with strong mandates. In our opinion, it should show the same determination to mobilize the necessary resources as soon as it is foreseen that such needs will increase before the positive long-term effects of conflict prevention are felt.

We are particularly concerned about preserving, through the allocation of an adequate level of resources, the gains that have been made through the regional approach to protection, because the burden in that respect continues to fall primarily on those States neighbouring conflict zones and on subregional organizations, whose main goal is not the maintenance of international peace and security but, rather, integration and cooperation among their members.

Furthermore, the fact that immunity of United Nations and humanitarian personnel is increasingly being breached is a disturbing development that raises the issue of respect for international humanitarian law as well as that of impunity. We must accordingly strengthen the mandates and capacities of peacekeeping operations as well as increase awareness of the norms of international law and insist on their respect by the parties to a conflict, including non-State armed groups.

With respect to United Nations peacekeeping forces, whose primary mission must be to reassure and protect civilians, their behaviour vis-à-vis civilians, in particular towards women and children, must meet the highest standards in terms of respect for the law. Given that reports indicate that certain reprehensible acts continue to be carried out by some United Nations and peacekeeping operation personnel, despite the circular issued by the Secretary-General, greater firmness must be shown in that regard.

Let me now turn to an important aspect of the protection of civilians in armed conflict, which has not always received the necessary attention from the Council. My delegation believes that the first line of defence with respect to international humanitarian law and the 1949 Geneva Conventions, which form its basis, can be found in the occupied territories.

In occupied Palestine and elsewhere in the Middle East, situations persist that are characterized by massive and flagrant violations of international law and of the humanitarian principles that govern the protection of civilians. Although such violations are committed by clearly identified State actors, the Council has not always shown its usual determination and resolve in that respect. There can be no doubt that its credibility and that of the international community, with respect to the very sensitive issue of impunity, are being sorely tried by the use of a policy of double standards, which benefits in particular Israel.

The current debate provides the Security Council with a fresh opportunity to make the necessary adjustments. From the normative point of view, situations of occupation have shown that renewed efforts must be made to take into account military operations conducted by regular armies in an urban environment or in heavily populated areas in order to limit the questionable concept of "collateral damage". Given the proliferation today of highly destructive conventional weapons, the message sent by the international community with regard to protecting civilians would be that much stronger.

I now resume my functions as President of the Security Council.

I propose, with the consent of the members of the Council, to suspend the meeting until 3 p.m.

Security Council

Fifty-ninth year

Provisional

5100th meeting

Tuesday, 14 December 2004, 3 p.m.

New York

President:	Mr. Belkhadem	(Algeria)
Members:	Angola	Mr. Constantino
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Zalaquett
	China	Mr. Cheng Jingye
	France	Mr. Poirier
	Germany	Mr. Wolter
	Pakistan	Mr. Mahmood
	Philippines	Ms. Banzon
	Romania	Ms. Pana
	Russian Federation	Mr. Nikiforov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Olson

Agenda

Protection of civilians in armed conflict

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04-64721 (E)

The meeting resumed at 3.10 p.m.

The President (*spoke in Arabic*): As I said this morning, in accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

To optimize the use of our time in order to allow as many delegations as possible to take the floor, I will not individually invite speakers to take seats at the Council table. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the Council table.

I call now on the representative of Japan.

Mr. Haraguchi (Japan): Thank you, Mr. President, for convening an open debate on this important issue. I also wish to thank Mr. Egeland for his informative and thoughtful presentation.

The report of the High-level Panel on Threats, Challenges and Change (A/59/565) points out an alarming trend. Despite the decrease in inter-State warfare, internal armed conflicts are breaking out with greater frequency, and more and more civilians are suffering. A civil war caused by ethnic or religious differences almost invariably intensifies hatred between the parties. Civilians are often subjected to relentless attack by combatants, and the number of victims increases steadily. Based on the principal that States have the obligation to ensure the well-being of their populations, the report devotes one chapter to the protection of civilians, pointing out that humanitarian aid is a vital tool for helping Governments fulfil that responsibility, its core purpose being to protect civilian victims, minimize their suffering and keep them alive during the conflict so that when war ends there will still be a will on the part of the people to promptly rebuild their shattered lives, and a basis on which to rebuild them.

We hope that the Security Council will further strengthen the legitimacy and effectiveness of its actions, including its efforts to protect civilians in armed conflict. In order to decide on appropriate actions to be taken, it is extremely important that the Security Council be informed, accurately and in a timely manner, about a situation that is causing concerns over the protection of civilians. In that context, Japan would welcome opportunities to have the Emergency Relief Coordinator, Mr. Egeland, brief the Security Council on an ad hoc basis, whenever the situation requires. Of course, it is also indispensable for the Security Council to listen to the Governments concerned on the protection of civilians and to learn their analysis and what steps they have taken.

The Security Council may also wish to consider using Arria formula meetings where appropriate, taking into account the report of the Panel of Eminent Persons on United Nations-Civil Society Relations (A/58/817), in order to have a broader understanding of a situation. On the other hand, it is true that even in the case of the genocide in Rwanda, in which the Security Council failed to take effective action, information was available that massive killing was under way. The Security Council has a responsibility to respond to situations which pose threats to international peace and security by applying international norms. While recognizing that it cannot resolve all humanitarian crises, the Council should give such crises its full attention and discuss how to respond. Each member of the Security Council should contribute to the international response in one way or another, while bearing in mind the special responsibility it bears.

The 10-point platform of action that Mr. Egeland introduced last year provides a highly suggestive basis for our discussion of the protection of civilians in armed conflict. Due to time constraints, I will limit myself to three points to which Japan attaches particular importance.

The first is on strengthening cooperation with regional organizations. Regional organizations can play an enormously important role in addressing the protection and assistance needs of civilians, for example by helping to improve security conditions and ensure the safety of humanitarian personnel. In Darfur, for example, we are encouraged to hear that the African Union is engaging in efforts to ameliorate the situation. We believe that the United Nations should promote cooperation with regional organizations so that they may fulfil their respective mandates, and we strongly support the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations can engage with regional organizations more systematically

on humanitarian issues, including eventually legal matters, as appropriate.

Japan fully supports the activities conducted by regional organizations to provide assistance and protection to civilians caught amidst conflict. With regard to Darfur, in addition to the contribution of $22 million that we have already disbursed to international organizations for humanitarian assistance, we are further considering cooperating with the African Union.

Secondly, it is vitally important that the security and safety of humanitarian personnel be ensured so that they can respond effectively to the protection and assistance needs of civilians. Japan appreciates the Secretary-General's proposal to reform and strengthen the United Nations security management system and, to that end, supports steps being taken to implement it. At the same time, we consider it important to the success of this reform that the system be established in such a way that the analysis and views of relevant humanitarian organizations on the ground are fully taken into account, as the United Nations system must make difficult decisions in which the protection and assistance needs of civilians are balanced against the risks to the security of humanitarian personnel. Japan therefore believes in cost-sharing, based on the principle of shared responsibility.

Thirdly, special attention should be paid to the protection of the vulnerable, namely women and children. The United Nations should set a good example and urge the parties to armed conflict to follow that example. In that context, we deeply regret the report of the cases of sexual violence by personnel of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which we understand are now under investigation by the *Department of Peacekeeping Operations*. The result of the investigation must be presented to the Security Council for discussion. Also, Japan believes it is important in any case of sexual violence that those United Nations personnel involved, including Department of Peacekeeping Operations staff, be identified and punished appropriately and that thorough measures be taken to prevent the recurrence of such incidents. United Nations personnel must respect and observe the guidelines contained in the bulletin of the Secretary-General on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13). We expect that the Secretary-General will consult with countries contributing troops to peacekeeping operations, with a view to formulating similar guidelines for peacekeeping operation personnel and having troop-contributing countries train their troops on that basis.

Despite the steps taken by the Security Council based on the aide-mémoire (S/PRST/2003/24, annex) and Under-Secretary-General Egeland's efforts based on the 10-point platform of action, it remains a huge challenge to protect civilians in armed conflict. While attention to this issue has increased in New York since the Council began addressing it, on the ground it continues to be a deeply serious problem. For its part, Japan believes that further coordination is required among relevant actors on the ground, including the United Nations, regional organizations and non-governmental organizations, with the close cooperation of the Government concerned. The whole point of humanitarian protection and assistance is to alleviate the suffering of civilians in armed conflict. Despite our best efforts, however, after armed conflict breaks out there is a limit to what we can do. We cannot remove the source of the threat to civilians.

Thus, Japan believes that the most effective way to protect civilians in armed conflict is, in the long run, to prevent armed conflict in the first place and to consolidate peace in post-conflict situations so that conflict does not resurface. It is for that reason that my country has been emphasizing the importance of promoting human security, which is the basis of an environment where vulnerable people can become important partners in national rebirth and development by being protected and empowered as members of a community and by overcoming the difficulties of the post-conflict period. Japan expects that the idea of human security will be further mainstreamed in the United Nations and that the Organization will be able to act more effectively to prevent armed conflict and ensure and maintain peace.

The President (*spoke in Arabic*): I now call on the representative of Canada.

Mr. Rock (Canada): Some five years have now passed since the Council adopted resolutions 1265 (1999) and 1296 (2000). That anniversary provides a timely opportunity to assess the effectiveness of the Council's use of the tools that those resolutions put at its disposal in addressing violence against civilians. This is also an opportune moment to discuss further

steps that can be taken to build upon those two milestone resolutions and to render the Council's actions to protect civilians timelier and more effective. Canada is grateful for the opportunity to take part in this discussion. I hope, Mr. President, that you know the depth and sincerity of our commitment to these fundamental issues.

Today, we would like to make observations and suggestions in two directions: looking back and gazing forward. I shall first look back to an assessment of the last five years that shows that significant progress has been made. The Security Council now has in its repertoire a wide range of remedies and a comprehensive framework of resolutions dealing with the protection of civilians and the related issues of children and armed conflict; women and peace and security; and conflict prevention. As a result, there is now increasing acceptance of the need, for example, to structure peace-support operations so that they can respond to a range of protection matters. There is now a preparedness to anticipate the humanitarian impact of sanctions, and there is now a willingness to implement comprehensive field-based protection training initiatives.

Yet, despite that important recent progress, a backward glance also reveals significant shortcomings. We need look no further than Darfur, the Democratic Republic of the Congo and Uganda to see that there is a significant gap between the principles expressed in the thematic resolutions and the practical steps taken by the Council to respond to protection challenges. While the milestone resolutions contemplate early, systematic and bold action, the Council's resolutions are too often ad hoc, seldom timely and rarely proactive. Of course, all the tools and instruments at the Council's disposal are of no value unless the Council can summon the political will to employ them. Effective and timely recourse to the full range of measures available to the Council is essential to ensure the protection of vulnerable populations. Where the complex challenges require th Council's sustained attention over the long term, that attention should be given.

Furthermore, in our respectful view, the Council must be steadfast and consistent in the messages it sends in response to war crimes and crimes against humanity. There must be follow-through when it threatens to impose measures unless conditions are met. In those cases in which measures are imposed, those measures must be monitored. The Council must not tolerate a failure by parties to conflict to comply with its resolutions.

In the case of Darfur, for example, the Secretary-General has provided four reports to the Council. The last three have noted the absence of compliance with its previous resolutions. Most recently, the Secretary-General expressed concern about an upsurge in violence — that despite the fact that all parties to the conflict in Darfur had recently signed on to both humanitarian and security protocols. In the case of Darfur the time is past due for the Council to create a monitoring mechanism for the arms embargo put in place against all non-Government entities and individuals. The time is past due for the Council to consider other targeted measures, including the imposition of asset freezes and travel sanctions against all offending parties to the conflict in Darfur. For it is only by taking steps, monitoring compliance and demonstrating a willingness to take further effective action that the Council will foster the authority and credibility that set it apart as a body of unique stature.

Let me turn briefly to our observations about the future, because occasions such as this provide an opportunity to draw from the experience of the past to plan for more effective responses in the years to come. Canada wishes briefly to highlight six specific areas where we believe the Council's actions on protection issues can be improved.

First, if the Council is to adopt credible and timely preventative measures it must be more proactive in identifying countries at risk of crisis and potential threats to peace that are not yet on the Council's agenda. For that reason, we support the recommendation contained in the report of the Secretary-General's High-Level Panel on Threats, Challenges and Change (A/59/565) to create a peacebuilding commission to identify countries at risk of conflict and instability. We also endorse the need for the United Nations to develop a strong, clear normative framework for dealing with armed non-State actors.

Secondly, we believe that, in order to strengthen the future implementation of the civilian-protection agenda, the Council needs a more systematic assessment of the lessons learned from recent protection mandates in peace-support operations. Canada intends both to work actively with the Office for the Coordination of Humanitarian Affairs (OCHA)

and to invite Council members in the course of coming months to participate in a series of workshops to support the development of such assessments.

Thirdly, we suggest putting in place better defined trigger mechanisms for Council action to ensure it responds immediately when civilians are directly targeted, when humanitarian aid is deliberately obstructed and where gross violations of human rights and international humanitarian law occur with impunity. That is, after all, what the Council committed itself to do in resolution 1265 (1999). We therefore welcome the High-Level Panel's endorsement of the collective international responsibility to protect, as well as its conclusion that the proper authority to approve action in such cases is the Council. The report outlines basic criteria for the authorization of the use of force, providing elements of a critical framework for Council action. Canada believes that the Council should review those criteria with a view to adopting them.

Fourthly, in cases where sanctions are imposed, we believe that the Council must continue to strengthen its enforcement and monitoring mechanisms for arms embargoes and other targeted sanctions. It should also endorse the guidelines developed by OCHA on the humanitarian impact of sanctions. We have learned valuable lessons in Iraq, Liberia and Afghanistan about how to effectively implement targeted sanctions. We believe that the guidelines reflect those lessons and that they will ensure a rapid and appropriate needs assessment by humanitarian staff to assist Security Council actions.

Fifthly, the Council has taken important steps with respect to the illicit exploitation of natural resources, including commissioning panels of experts and imposing targeted sanctions. The link between the illicit exploitation of natural resources and the intensity and persistence of armed conflicts is clear, as are the horrific implications for the safety of civilians. Here again, Canada believes that effective responses require the Security Council to be more proactive — for example, by adopting a systematic approach to addressing the range of natural resources known to be linked to armed conflict. We urge the Council to formalize the expert panel mechanism and to press for the genuine enforcement of targeted sanctions regimes through national enforcement mechanisms.

Sixthly and finally, we suggest that the capacity of United Nations country teams to lead and coordinate on protection issues must be strengthened. That is a key core weakness that must be urgently addressed if we are to be successful in respecting the rights and enhancing the safety of civilians whose lives are affected daily by conflict. When required, the Council must also be ready to provide effective political backing for United Nations teams in their dealings with Governments and non-State actors. In that regard, the work being done by the working group on protection in northern Darfur is a good model of collaboration, and it should be replicated in other similar contexts.

(*spoke in French*)

We have come a long way in the last few years. Five years ago, Security Council resolutions still focused on protecting convoys rather than people. That has changed. Now we must take this initiative to the next level, building on the progress that has been made. Our success is best measured by the number of lives saved, the number of displacements averted, and in the mitigation or reduction of conflicts. Canada intends to actively seek to fill the gaps that have been identified.

(*spoke in English*)

We look forward to the next report of the Secretary-General, which, we hope, will report further progress and which can once again be used as the basis from which to take stock and for measuring progress towards improving our collective ability to protect the world's most vulnerable, so that we might live up to the inspiring words of the very resolutions whose anniversary we observe today.

Mr. Hamburger (Netherlands): I have the honour to take the floor on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The European Union wishes to express its appreciation for the opportunity that you have offered, Mr. President, to discuss the protection of civilians in armed conflict, a theme that is at the core of the work

of the Security Council. We also would like to thank Mr. Egeland for his presentation this morning.

The European Union favours a continued debate on the complex challenges we are facing. We welcome the report of the High-level Panel on Threats, Challenges and Change, which also addresses the importance of the protection of civilians in armed conflict and provides another excellent opportunity to intensify United Nations cooperation on that issue.

Today, the European Union reiterates to the Security Council its commitment to enhancing the protection of civilians in armed conflict and to the Secretary-General's ten-point platform for action. The European Union calls upon all States, as well as non-governmental organizations and international organizations, to consider that ten-point platform in their efforts to protect civilians in armed conflict.

In general, we underline the fundamental importance of international humanitarian law and the need for all parties to fully respect their obligations thereunder. We also call upon all concerned to support neutral, impartial and independent humanitarian action. We value the important work of the Red Cross movement, especially the International Committee of the Red Cross, in this regard.

Among civilians, who are the principal victims of armed conflict, refugees and internally displaced persons (IDPs) require the international community's special attention when it comes to protection. Although we are still far from solving the protection problems of refugee populations, we have succeeded in defining who should take up the responsibility for those populations: the High Commissioner for Refugees. When it comes to IDPs, of which there are many more, there is no such clear defining of roles.

The European Union welcomes the collaborative approach of the United Nations when it comes to supporting and protecting IDPs. It sees the collaborative approach as the best way forward and supports the steps recently taken by Under-Secretary-General Egeland to strengthen inter-agency collaboration. However, in the case of one of the worst crises of the moment — Darfur — implementation of the collaborative approach has been far from perfect, especially in its initial phase. The European Union strongly supports the efforts of the United Nations to bring about a genuine collaborative strategy in Darfur and hopes we will all learn from the recent experiences.

In that context, the European Union would like to commend the African Union for its proactive and positive role. Enhancing its presence may contribute significantly to the protection of civilians.

The European Union is especially concerned about the vulnerable position of women and children in armed conflict. Violence against women and girls, including rape and sexual slavery, is often used as a weapon of war in order to dehumanize women, or the community they belong to. The European Union condemns such practices in the strongest terms. Under all circumstances States must take all necessary measures to protect women and girls from violence and to promote the full enjoyment of their human rights. Security Council resolution 1325 (2000), on women, peace and security, provides important recommendations for the protection of women. The recommendations of that resolution should be fully implemented.

The European Union welcomes the efforts undertaken by the United Nations to mainstream the focus on the issue of the protection of children in armed conflict throughout its system. In that regard, the European Union notes the recent comprehensive assessment by the Secretary-General of the United Nations system's response to children affected by armed conflict. The European Union looks forward to the early implementation of the recommendations contained in that report.

The European Union stresses the need to pay special attention to the position and needs of children, including non-combatants and girls, in peace negotiations, in mandates of peace support operations and in disarmament, demobilization, reintegration and resettlement programmes. The recruitment and use of children by armed forces must be in strict conformity with the Optional Protocol to the Convention on the Rights of the Child. For its part, the European Union adopted guidelines on children and armed conflict in 2003. It also has a plan of action for concrete initiatives in Burundi, Rwanda, Uganda, the Sudan, Liberia, Côte d'Ivoire, Sierra Leone, Colombia and Sri Lanka.

The European Union welcomes the Security Council's stronger focus on protection in many of the peacekeeping mandates, as well as the recognition of

the role that regional organizations can play in that context. The European Union stresses the importance of providing enough resources and personnel to support such operations.

The European Union welcomes the appointment by the Secretary-General of a Special Adviser on the Prevention of Genocide to serve as an early warning instrument, and looks forward to the establishment of close and regular relations between the Special Adviser and the Security Council, the General Assembly and the United Nations Commission on Human Rights.

Humanitarian catastrophes should be prevented through early collective action by the international community. The European Union underlines the importance of mechanisms for the identification of situations of potential instability and the creation of instruments to prevent great human suffering, such as the early appointment of human rights monitors.

The European Union believes that in a national reconciliation process, various justice mechanisms may play a role. At the same time we would like to emphasize that there can be no impunity for the most serious international crimes, including systematic sexual and gender-based violence. The fight against impunity in post-conflict societies with small capacity for the administration of justice can be won only with international support. In that respect, the European Union welcomes the fact that the Prosecutor of the International Criminal Court determined that there is a rational basis to commence an investigation into crimes allegedly committed in the territory of the Democratic Republic of the Congo and Uganda.

The European Union also welcomes the relationship agreement between the United Nations and the International Criminal Court which hopefully may lead to effective cooperation. Furthermore, the European Union recalls that the Security Council is empowered to refer situations to the Court, even in cases where countries are not States party to the Statute of the Court. The European Union calls upon all States of the United Nations that have not yet done so to ratify the Rome Statute at the earliest possible opportunity and to take all appropriate measures to implement that treaty fully within their national systems.

Allow me to conclude with the assurance by the European Union of its commitment to the protection of civilians in armed conflict. We stand ready to assist the Council and the United Nations system in ensuring this goal.

Mr. Aboul Atta (Egypt) (*spoke in Arabic*): Mr. President, my delegation is pleased to see you preside over the Security Council for this month, in particular at this meeting. We are proud of you and the delegation of Algeria for the skilful and able manner in which you are managing the work of the Council this month.

There is no doubt that the Security Council, in continuing to address the issue of the protection of civilians in armed conflict, reflects the recognition by the United Nations that the performance of the international community in this area still needs more commitment, political will and diligent collective effort.

The discussion of this issue this year coincides with the issuance of the report of the High-level Panel on Threats, Challenges and Change relating to international peace and security and methods of reform. The report deals with the issue of the protection of civilians from the perspective of United Nations humanitarian operations in areas of conflict as one of the cornerstones of the role of the United Nations within the framework of collective security. My delegation would like to deal with some of the factors that, in our view, show the importance of this issue.

First, during the past few years, the Security Council defined, in many of its resolutions and presidential statements, the factors related to, and the requirements for dealing with, the protection of civilians in accordance with the provisions of international law, humanitarian international law and the principles of the United Nations Charter. Yet we note that the hotbeds of armed conflict in the world today are cause for concern, owing to the increase in the number of crimes and violations of civilians' rights, in the number of displaced persons, in acts of destruction and in the plundering of natural resources and cultural heritage. This reflects the continued failure of the international community to effectively and decisively confront violations that have been banned under international humanitarian law. The mass media have conveyed the suffering of civilians in Palestine, in Iraq, in Darfur in the Sudan, in the Democratic Republic of the Congo, in Somalia, in Burundi and in Guinea-Bissau, among other States and

regions. These regions have all witnessed waves of violence to which the international community has not responded in a manner commensurate with the human suffering caused by those conflicts or by harsh natural phenomena. Therefore, the most serious problem today is the lack of collective international determination and will manifested by the United Nations in dealing with the parts of the world affected most seriously by armed conflicts and the implications of this for civilian life. My delegation would like to say that the media emphasis on the human tragedy in Darfur was not commensurate with the repeated calls by the United Nations to provide emergency humanitarian assistance to hundreds of thousands of the victims. We maintain that humanitarian concerns should take precedence over political expediency in dealing with the protection of civilians.

Secondly, we recognize the improvements and developments in United Nations peacekeeping operations, expanding the scope of their mandates to include multiple aspects, including the protection of civilians in armed conflicts, by safeguarding the access of humanitarian assistance to the majority of them, and the deployment of the civilian components in such operations. However, we must admit that the procedures for the establishment and deployment of personnel in these operations have seen varying levels of commitment and dedication, depending on the situation. The Council should, therefore, give adequate attention to formulating a detailed vision for implementing the ten points submitted by the Secretary-General. These ten points should be the key factors used by the international community in dealing with the humanitarian crisis in all regions afflicted by such tragedies. This would constitute only the beginning of efforts to redress the shortcomings of the international community's approach to dealing with the threats to international peace and security and to providing real protection to civilians in areas under foreign occupation or in armed conflict situations.

Thirdly, it is important to recognize that the concept of protecting civilians in armed conflicts does not end with the cessation of military operations; it continues after the war, and includes all humanitarian, development and social aspects related to rehabilitation and reconstruction. Armed conflicts affect social and economic infrastructures, and this constitutes a grave threat to the lives and future of civilians, since peace itself, in its political and security aspects, is threatened, if its not supported by comprehensive and focused programmes and development plans. In this context, Egypt intends to subscribe fully to the proposals contained in the report of the High-level Panel, including the proposals regarding the coordination and financing of such programmes by the United Nations and by the donors community.

Fourthly, the protection of civilians in armed conflict should not occur at the expense of the principles of the United Nations Charter, which emphasizes the principles of political independence and the sovereignty of countries, as well as their responsibilities towards their populations and authority over their territory. This balance between the protection of civilians and sovereignty is indeed necessary in order to protect the structure of the international order and to avoid using humanitarian suffering for political or ideological objectives with resulting chaos and increased tragedies. In this regard, the international community, in dealing with the issue of the protection of civilians, should abide by the purposes and principles of the United Nations Charter and the provisions of international law, principles that should be the basis for any development of the concept of collective security.

The President (*spoke in Arabic*): I thank the representative of Egypt for his kind words addressed to me.

I now call on the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): Mr. President, Switzerland thanks you for this debate, and we thank the Under-Secretary-General for Humanitarian Affairs for the frank briefing that he presented to the Security Council this morning. We welcome the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) to strengthen international action in the ten priority areas the Under-Secretary-General described. I take the opportunity presented by this debate to state Switzerland's position on some current challenges.

First, concerning the strategy to be pursued in order to ensure the protection of civilians in armed conflicts, my country advocates an approach based on respect for international law. Existing laws must be respected in all circumstances. They form an adequate basis for facing most current challenges. It is true that certain contemporary conflicts have created new threats to civilians, and that these threats must be

addressed through the development of new policies or strategies of protection. However, such strategies should be defined in such a way as not to erode existing laws. On the contrary, they must contribute to the strengthening of law by gradually raising the minimum level of protection required.

Secondly, Switzerland stresses in this context the importance of fighting impunity, at both the national and the international levels. As long as impunity remains endemic, the protection of civilians in armed conflict remains precarious. Switzerland recalls the proposals to combat impunity made in the last report of the United Nations Secretary-General on the protection of civilians (S/2004/431). We also invite the Security Council to stand ready to use the authority it has under the Rome Statute of the International Criminal Court to refer cases to the International Criminal Court.

Thirdly, Switzerland considers sanctions to be an essential tool for responding to certain threats to international peace and security. In recent years, significant progress has been achieved in defining sanctions that are more effectively targeted, thus minimizing their negative impact on civilian populations. However, further efforts are still required. The United Nations Office for the Coordination of Humanitarian Affairs has developed a methodology for evaluating the humanitarian impact of sanctions and recently published a manual on that subject. Switzerland and Canada jointly contributed to the development of that methodology. Switzerland invites the Security Council to make use of that very useful instrument for evaluating the impact of sanctions and improving them.

Fourthly, internally displaced persons are a category of the civilian population that is particularly exposed to the agonies of war. The protection of such persons must be a priority for the countries concerned and for the international community. Switzerland welcomes the recent efforts of the Emergency Relief Coordinator to improve the quality of the response by humanitarian organizations on the ground to the needs of displaced persons. We also welcome the appointment of a new Representative of the Secretary-General on the human rights of internally displaced persons. We invite the members of the Security Council to support him in accomplishing his mandate.

Fifthly, one of the current challenges is persuading non-State armed groups — which are essential actors in contemporary internal conflicts — to comply with their obligation to respect humanitarian law and to shoulder their responsibilities in the protection of civilian populations. Switzerland recently held an international workshop aimed at identifying means to improve the involvement of non-State actors in the banning of anti-personnel mines. Several practical methods have been identified. We intend to maintain our strong commitment to that important area.

Finally, in order to develop a comprehensive strategy, we should also take into account the role of the private sector in conflicts. We are of the view that, although voluntary action and self-regulation have had positive effects in recent years, clear rules regarding the responsibility of the private sector should nevertheless be established. Such rules should be specific and based on a broad consensus. Thus, we are of the view that a more active policy, aimed at a more sensitive approach to conflicts, should be developed by the Security Council.

The President (*spoke in Arabic*): I now call on the representative of Bangladesh.

Mr. Chowdhury (Bangladesh): Algeria's skilful leadership of the Council this month has been truly praiseworthy, and we congratulate the delegation of that country — especially my friend Ambassador Abdallah Baali and yourself, Mr. Foreign Minister — on that account. We commend your choice of a topic of critical urgency. We also commend Mr. Jan Egeland for his report.

The genocide that took place in Rwanda some 10 years ago stirred our conscience: it reminded us of our obligation towards civilian victims of armed conflict. Several conflicts still rage — many of them severely — in many parts of the world. Some have transformed into delicate situations of transition. It is regrettable that civilians continue to be subjected to extreme violence and that they are denied access to essential humanitarian assistance. The erosion of social support structures and the culture of impunity have led to the spread of such violence. Sexual violence against women and girls is being used as a means of warfare in some countries.

New dynamics are being created by the cross-border and regional dimension of some conflicts. These require us to adopt a regional and comprehensive approach. In that respect, Bangladesh welcomes the increasing role of regional organizations, particularly

the African Union and the Economic Community of West African States. There is a broad consensus on the need to strengthen the process of disarmament, demobilization, reintegration and rehabilitation (DDRR) in areas of conflict. We need to adopt a regional approach to DDRR programmes in view of the cross-border movement of refugees, combatants and small arms. Such programmes need secure and adequate funding to deter the recurrence of violence.

Recent events in Côte d'Ivoire have once again brought to the fore the need for clearer and more robust mandates for peacekeeping operations. Bangladesh, as one of the largest contributors to peacekeeping operations, would support enhanced robustness for such mandates, assuming that it is matched by adequate resources. Security Council resolution 1296 (2000) broadened the mandate of peacekeeping operations to include the physical protection of civilians under imminent threat of violence. We are uncertain, however, whether that expanded mandate has always been matched by resources, particularly in terms of the number of personnel.

We are concerned that the security constraints on humanitarian assistance for 3.5 million civilians in the occupied Palestinian territories have worsened following the construction of a barrier through the West Bank. The wall is having a profound humanitarian impact on civilians by separating Palestinian communities from their land, their jobs and their businesses, and it is severely restricting their access to food, water, schools and hospitals.

Bangladesh believes that the allegations of sexual exploitation and abuse of women and children by United Nations personnel need to be addressed urgently and in a manner that is rigorous, fair and transparent. This is an area that we cannot afford to neglect if we are to maintain the Organization's profile and image at a high level. We also underscore the need to improve the safety and security of humanitarian personnel.

It is essential that the international community remain engaged in order to ensure that civilians caught in armed conflict are physically protected, that humanitarian assistance reaches them unhindered and that, when peace is achieved, they are not deprived of the dividends. We also need to address the issue systematically, as outlined in the 10-point programme.

We are encouraged at the determination of the Council to deter war crimes, crimes against humanity and genocide. We see the need to break the prevalent culture of impunity. The establishment of international tribunals is a step in the right direction. The international community must pool its efforts to ensure that those responsible for war crimes, crimes against humanity and genocide do not escape justice. That is all the more important if we wish to avoid another Rwanda. Adherence to and respect for the Geneva Conventions and other instruments of international humanitarian and human rights law are crucial. We are also required to find a balance — specific to each circumstance — between the delivery of justice and the national reconciliation process in post-conflict societies. We cannot, however, allow impunity to prevail. We need the peace to be sustainable; otherwise, the society will inexorably slide back into conflict.

One other area that we need to examine is the peace process itself. It must address concerns about the protection of civilians in order to be sustainable. In addition to addressing security and political developments, a peace process negotiation should include commitments by all parties to the conflict to cease attacks on civilians, to facilitate humanitarian access, to create conditions conducive to the safe and sustainable return of refugees and internally displaced persons, to ensure the safety of humanitarian personnel and to actively participate in DDRR programmes. We are heartened by the increased coordination between the military and civilian components of peacekeeping missions, including the Office of the United Nations High Commissioner for Refugees and UNICEF. That has resulted in accelerated reintegration of child soldiers and mine action programmes in post-conflict societies.

Bangladesh has always favoured a multilateral approach to the maintenance of international peace and security. We are committed to the principles of international law, based on justice, the peaceful settlement of disputes and respect for human dignity. We share those values with the rest of the international community. It is only through the consistent and effective application of those principles that the United Nations can attain the moral authority and credibility that will help to make the world a safer place. That would surely redound to the benefit of us all.

The President (*spoke in Arabic*): I now call on the representative of Costa Rica.

Mrs. Chassoul (Costa Rica) (*spoke in Spanish*): Permit me at the outset to congratulate you, Mr. President, on having convened this debate on the protection of civilians in armed conflict. The protection of civilians is essentially the raison d'être of the Organization and of its efforts to preserve international peace and security. I should also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his valuable briefing at the beginning of this debate.

Each and every one of us is being targeted. In 2001 alone, more than 16 billion units of ammunition were manufactured — that is more than 2 bullets for each person on the planet. Every minute of every day, a person is killed. To massacres and extrajudicial killings, we must add sexual slavery, forced disappearances, recruitment of minors, deportation or transfer of populations, torture, rape and mutilation.

Frequently, those crimes are part of a policy of genocide or a campaign of systematic violation of fundamental rights. Military operations frequently produce excessive collateral damage, including the bombing of defenceless towns, cities, hospitals and schools. We cannot forget the pictures of mutilated children in Liberia and Sierra Leone, the bombed towns in the Sudan and the extermination in Rwanda and Burundi. Nor can we forget the refugee camps in the Democratic Republic of the Congo or the destruction in Haiti. In those cases, it was the civilians who paid. And they continue to pay the price of armed conflict with their blood. In all those cases, the action of the international community was weak, tardy and insufficient.

The Security Council must take more decisive action to prevent armed conflicts and resolve conflicts rapidly and peacefully. The Council must seriously consider how to set up the machinery for rapid action, and the Secretariat must set up an effective early-warning system. Today's humanitarian crises could have been averted if the Council had been warned in time and if it had had the necessary political will.

Likewise, it is indispensable for the Security Council and the United Nations as a whole, to implement the 10-point platform of action to protect civilians as presented by Mr. Egeland a year ago. In particular, it is indispensable to guarantee continuous humanitarian access to the most needy and vulnerable civilians. It is scandalous that, in this day and age, humanitarian personnel do not have access to more than 10 million people who urgently need basic foodstuffs, water, housing and vital medical care. It is also worrisome that in some 20 armed conflicts humanitarian access is denied or hampered to the neediest civilians. In that context, the United Nations and influential countries must urge parties to conflicts to permit humanitarian access. The Security Council should, if necessary, adopt compulsory measures within its powers to facilitate the distribution of such assistance.

We think it is necessary to create a mechanism to keep forgotten crises on the political agenda of the international community, donor countries and the Security Council: crises that fail to attract the attention of Governments or of the international press. The Security Council should request that the Secretariat provide monthly reports on the humanitarian needs of populations that are victims of armed conflict. Such reports must be specific, identifying real needs and flagging priorities; they must be comprehensive, covering all armed conflicts afflicting the world, even when they have not formally appeared on the agenda of the Security Council.

Moreover, the international community must respond more effectively to the needs of refugees and internally displaced persons. It is not enough to meet the basic physical needs of refugees. Their safety and security must also be guaranteed. It is vital to ensure that refugee camps are not infiltrated by armed groups trying to recruit, politicize or militarize refugees. The presence of such groups not only diverts assistance intended for legitimate refugees, but also increases the risk of refugee camps becoming targets of armed attack.

We believe that it is necessary to pay particular attention to child victims of armed conflicts, particularly child soldiers and children who have been victims of sexual violence. The reintegration, rehabilitation and education of minors is, in the long term, the best way to break the cycle of violence. Similarly, greater emphasis should be put on the disarmament, demobilization, rehabilitation and reintegration of combatants.

At the same time, we must respect the impartiality and independence of humanitarian

personnel with a view to guaranteeing their safety and security. In fact, once the parties, rightly or wrongly, perceive humanitarian workers, or the Organization as a whole, as having taken sides, the safety of those workers is imperiled. In that connection, we believe that all humanitarian staff should follow the wise example of the International Committee of the Red Cross.

Internationally, it is necessary to do away with impunity. Any attack against or clash with civilians constitutes a serious violation of international humanitarian law and is a war crime under customary international law and the Rome Statute of the International Criminal Court. Such criminal acts must be investigated and punished by the competent authorities. In that connection, we should emphasize the constructive role that the International Criminal Court can play. Similarly, it is necessary for parties to conflicts to strictly observe the provisions of the Geneva Conventions, their Additional Protocols and the 1951 Convention relating to the Status of Refugees. Even more important, it is necessary to do away with trafficking in small arms and light weapons to groups or States in conflict. Such weapons and ammunition fuel armed conflict. We therefore think it is necessary to adopt a binding international instrument prohibiting the transfer of weapons to any non-State armed group or to any State which is violating human rights or international humanitarian law.

United Nations personnel must take the lead in providing humanitarian assistance. We must recognize the heroic work of the many Blue Helmets and civilian staff who are making extraordinary efforts to help civilian populations. However, we must express our serious concern about the worrisome accusations of sexual exploitation and abuse of women and children by staff affiliated with the United Nations. Unfortunately, if we are to believe the press reports, such criminal acts are occurring with increasing frequency in various peacekeeping operations, involve a large number of staff and military personnel and are truly becoming a systemic problem. If the accusations are true, the United Nations is losing its ability to serve and protect societies destroyed by war. Such grotesque acts, which are true crimes against humanity, fly in the face of the basic principals of our Organization and call for immediate action by Member States.

We urge the Secretary-General to pursue and expand the investigations under way on sexual abuses in the field. We believe that the Organization must set an example in combating impunity, and that it is imperative that the Secretary-General make public the results of the investigations. Unfortunately, the rules of confidentiality currently included in the Secretary-General's 9 October 2003 bulletin on sexual exploitation (ST/SGB/2003/13) create an atmosphere of impunity.

If there is evidence of criminal conduct, the staff involved must immediately be separated from service and all evidence must be made available to the competent authorities so that they can begin appropriate criminal proceedings with a view to facilitating criminal investigations. So far as possible, the individuals involved should be subject to the jurisdiction of the territory in which the events occurred, or to that of the victim's home country. In no case should accused be permitted to use their official status in order to avoid justice, and the Organization should strip them of any immunity they may enjoy because of their status.

When the accused have been transferred to their country of origin, the evidence should be provided to all States that have jurisdiction so that they may commence procedures to extradite. Troop-contributing countries must comply in prosecuting or extraditing any of their military staff who are accused of such criminal activity. The Security Council can assist in this connection by including the norm of *aut dedere aut judicare* in all of its resolutions that establish peacekeeping operations. When the International Criminal Court has jurisdiction, the evidence should be transmitted to its Prosecutor.

All of this must be carried out with the greatest amount of transparency possible with a view to preserving the good reputation of the Organization and avoiding impunity. In short, we believe that it is indispensable for the Secretary-General to give a thorough revision of the norms that currently are governing the investigation of cases of sexual exploitation perpetrated by staff of the United Nations and associated staff.

Protection of civilians in armed conflict is the most important activity that the United Nations can carry out. Unfortunately, as has been indicated by the High-level Panel on Threats, Challenges and Change, this Security Council has not shown itself to be willing or able to protect civilians effectively. This is why we

join in the appeal that the High-level Panel addressed to the Council to commit itself to protecting civilians.

Mr. De Rivero (Peru) (*spoke in Spanish*): The delegation of Peru would like to congratulate you, Sir, as you preside over the Security Council, for having convened this debate on the protection of civilians in armed conflict.

First, my delegation considers that, under international law, the primary responsibility of protecting civilians lies with the belligerents, whether they be States or armed groups. Any violation of international law, particularly the Convention on the Prevention and Punishment of the Crime of Genocide, and the Geneva Conventions, should receive a strong and immediate response from the Security Council.

My delegation supports the recommendations of the High-level Panel on Threats, Challenges and Change that in order to protect civilians, all Member States of the United Nations must, at the very least, sign, ratify and, above all, implement the humanitarian conventions, particularly the Geneva Conventions, and the Convention on the Prevention and Punishment of the Crime of Genocide.

If it is seen that human rights are not being defended under those conventions in any struggle in which there are new global threats to international peace and security, such as terrorism and transnational crimes, not only will we be weakening the ethical norms upon which civilized life is founded, but the struggle against these new threats of the twenty-first century will lose all legitimacy.

It serves no purpose to ratify humanitarian conventions to protect civilians if peacekeeping capacity is weakened, as it is now, by difficulties in recruiting and by the lack of effectiveness on the part of the recruited troops.

This is why the Security Council should endorse the recommendations of the High-level Panel that call upon the countries that have the greatest military capabilities to make available to the United Nations autonomous stand-by battalions that are highly trained and self-sufficient; such stand-by units could be as big as a brigade.

If we do not improve both the quantity and the quality of the United Nations troops, we will be unable to protect civilians, unless the Organization were, hypothetically, ready to take the absurd step of contracting private military firms, which have no obligations under international humanitarian law and today provide a mercenary alternative to the armed forces of States.

Another fact that should be considered, if, in fact, we do want to protect civilians, is the increasingly casual use in some strategic circles of the concept of "collateral damage". In many cases, this concept is a euphemism used to refer to the many civilians who are going to die, or have already died, in order to justify military objectives.

If the United Nations does not react against this concept of collateral damage, it will be following the military logic of the belligerents that accepts the inevitablity of injury to civilians as a principle. If we intend to protect civilians, this line of reasoning cannot be accepted by the United Nations. One of the primary tasks of the Security Council must be to investigate the loss of civilian life in conflicts by sending special missions. This is the only way that one can find out whether the belligerents have complied with humanitarian conventions or not.

The ability of the United Nations to protect civilians and put an end to conflict is also related to the protection of United Nations personnel.

My delegation, again, agrees with the recommendations of the High-level Panel that the security of United Nations staff in the field must be strengthened by creating a Security Directorate that should be given all due priority to help the Secretary-General implement a new security system for staff next year.

However, when I address this point, I feel obliged, like others, to refer to cases in which there has been a lack of respect and protection of civilians on the part of United Nations staff in peacekeeping operations. It is lamentable that there have been accusations against elements in the United Nations Organization Mission in the Democratic Republic of the Congo. I can remember that, many years ago, there were questionable events in Cambodia as well. It is necessary to investigate these alleged abuses fully and inform Member States of the investigations under way and action that is taken in that regard, with a view to ensuring that the United Nations does not give a picture of impunity.

Finally, we must acknowledge the fact that, in order to consolidate the protection of civilians after the conflict has come to an end, determined action must be taken to build a new State that can assume responsibility for protecting its citizens. Otherwise, we will only be incubating a new conflict situation, as a result of the weak institutions that never were able to protect its own citizens.

The President (*spoke in Arabic*): I now call on the representative of Nigeria.

Mr. Wali (Nigeria): I would like to congratulate the Algerian delegation for its handling of the current month's presidency of the Council and to thank the Algerian Minister for Foreign Affairs and the Permanent Representative for initiating our debate on this all-important issue.

My delegation welcomes the debate on this important issue of protection of civilians in armed conflict, especially at a time of escalating conflicts around the world. We welcome the comprehensive report of the Under-Secretary-General for Humanitarian Affairs on an enhanced monitoring and reporting framework for the protection of civilians in armed conflict.

In spite of internationally acknowledged conventions and protocols that guarantee the safety and protection of non-combatants, civilians are increasingly the first casualties during armed conflicts. It is, therefore, the belief of my delegation that this open debate will help the international community to refocus its attention on the urgent task of protecting and safeguarding civilians wherever conflicts erupt. We should examine the mechanisms and frameworks for the protection of civilians in armed conflict, with a view to strengthening them in the light of recent lapses and abuses.

The African continent has the unenviable record of playing host to the highest number of conflicts today. These conflicts, many of which are internal, have adversely affected the social, cultural and economic lives of millions of people, especially the aged, women, children and youth — people who are neither combatants nor parties to the conflict. The impunity of parties to conflicts to seize upon unarmed civilians and to mete out collective punishment to harmless populations continues to be of serious concern to my delegation. Civilians are all too often caught up in the struggle for power and control of resources, thus becoming pawns in a deadly game that has neither rules nor respect for the dignity of persons.

Nigeria believes, however, that the first step in protecting civilians in armed conflict is the prevention of conflicts. In this regard, Nigeria has intensified efforts to find lasting solutions to conflict situations in the West African subregion, in particular, and across Africa in general, including the Great Lakes region and the Sudan. President Obasanjo has, since coming to office in 1999, committed himself to a peaceful resolution of conflicts in Africa, mindful of the disruptive nature of conflicts, not only to the immediate communities in which they occur, but also to surrounding States, and their potential for depriving the continent of the capacity to achieve the Millennium Development Goals. No meaningful development can take place in an atmosphere of insecurity and chaos. It is for this reason that my delegation calls on the international community to redouble its efforts towards the resolution of the diverse conflicts now raging in Africa and to assist countries emerging from conflict to rebuild their shattered economies and infrastructure.

For its part, the African Union has increased its capacity to forestall and resolve armed conflicts, and to protect civilians in armed conflict through its Peace and Security Council. What is required of the international community is a firm commitment to assist the African Union and other regional organizations to strengthen their capacities to contain armed conflicts, in particular through provision of essential logistical support. In this regard, we welcome the recent extension of logistical support from the United States and the European Union for the African Union's peacekeeping operations in the Darfur region of the Sudan.

Nigeria believes that an essential aspect of prevention of armed conflicts must include the strengthening of the rule of law, and within that, the protection of civilians through constitutional, legislative, judicial and electoral reform. The alarming increase of civilians caught up in armed conflict is cause for serious concern to the international community. Many have been killed or subjected to extreme human rights violations, including rape and sexual violence. Civilians have been displaced from their ancestral homes and left to struggle for existence in hostile and often unfamiliar territories. The international community must rise with one voice against the perpetrators of those despicable acts against

innocent civilians. We should collectively express our resolve to punish those responsible for deliberate acts of violence and punishment against civilians in the name of war.

My delegation is concerned by the diminishing line between civilians and combatants in many conflict situations around the world. Combatants often live or seek shelter in villages and sometimes use civilians, including women and children, as human shields. This unfortunate development provides an excuse for meting out collective punishment to innocent civilians, including the systematic destruction of whole communities and their means of survival. Accordingly, Nigeria calls for the strengthening of mechanisms for monitoring the conduct of parties to conflicts.

It is gratifying to note that, during the past decade, the international legal framework has been expanded to address some of the particular crimes against civilians in armed conflict, especially in relation to the most vulnerable members of the society — that is, women, children and the aged. The expansion of the scope and definition of war crimes and crimes against humanity to include rape, enforced prostitution, trafficking and enslavement, as well as torture, has resulted in an increase in the number of persons brought before the International Tribunals for acts committed against civilians in the course of armed conflicts.

There should be continued efforts to mainstream civilian protection into United Nations, regional and national peacekeeping operations. More importantly, however, my delegation believes that the best way of protecting and safeguarding civilians in armed conflicts is to tackle the root causes of these conflicts in an open and inclusive manner, and to respect the cultural, historical and spiritual diversity of peoples. Furthermore, my delegation is convinced that a fair distribution of infrastructure and an even pattern of development are critical elements that could reduce the necessity to resort to war as a means of redressing perceived injustices and marginalization.

Thus, my delegation calls for a two-pronged approach to the issue of protecting civilians in armed conflict. The first is to encourage the spirit of compromise, fairness and even-handed development that would greatly reduce or remove the need for war. The second and complementary approach would be to stand firm against violators of the rights of civilians in armed conflict, through the strengthening of legal frameworks and mechanisms for monitoring and reporting attacks against civilians, by State and non-State actors, in a transparent and non-selective way, and to bring such perpetrators to justice.

The President (*spoke in Arabic*): I now call on the representative of Kenya.

Ms. Bahemuka (Kenya): My delegation would like to thank Algeria for organizing this very important debate. We thank you, in particular, Mr. President, for having found time to come and chair this very important debate for us. At the very outset, Kenya would like to acknowledge with appreciation the work and the brief presented to us by Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, and other reports that have been made available to us, including the recent report of the High-level Panel on Threats, Challenges and Change.

While we recognize that international humanitarian law sets universally acceptable standards for the protection of civilians in armed conflict, the world has witnessed violent conflicts that have claimed the lives of millions of civilians and have left tens of millions of people permanently displaced. Victims have been expelled from their homes and have often been denied access to life-saving food, medicine and shelter. Grave violations of international humanitarian and human rights law and blatant disrespect for humanity have been witnessed.

The nature of conflict itself has also changed from the inter-State wars common earlier to internal conflicts and even terrorism. It is now very common to find situations where civilians have taken up arms against established Governments. Combatants now depend for survival on the support of civilian non-combatants. That creates a very complex scenario for the parties in conflict. We are seeing armed groups that do not have standard command and control functions, that do not operate under standard military rules or procedures and that often use child soldiers, who are abducted to fight wars or who are kept on drugs.

Those complexities not withstanding, the onus is still on the international community to uphold and enforce international humanitarian law to stop the suffering of civilians during conflicts. The issue of impunity should be addressed, and all actors — whether Government actors or rebels — must be made to understand that the international community will

hold them responsible for any act in violation of international humanitarian law. We concur with the view of Mr. Egeland with respect to the International Criminal Court and the role it can play in addressing the issue of impunity. We appeal for further discourse by Member States on this matter with a view to reaching consensus.

On the other hand, the international community, led by the Security Council, must develop strategies to engage more persistently with regard to conflicts in order to help protect civilians in neglected crises. All possible tools must be made available, including intense diplomacy, support for the negotiation of access for humanitarian aid in extreme cases and the contribution of troops to United Nations-led peacekeeping missions with strong mandates to protect civilians.

In addition, Governments and the United Nations should implement new, systemic procedures in order to best protect vulnerable civilians, especially women and children, in crises. When the international community has the will to help civilians, it often can. The action required could vary according to the specific protection needed by civilians who are caught in conflict; that does not always have to be military support. Diplomatic pressure, negotiated access and other steps can save lives and allow people to live with dignity.

The leadership of the Security Council in that regard is critical. It is the only body that can authorize action such as Operation Artemis in the Democratic Republic of the Congo, and that can be indispensable to saving lives. Such interventions are desperately needed. They are practical proof of the existence of a committed international community that seeks to protect civilians whenever they are threatened. Led by the current Secretary-General, Mr. Kofi Annan, the United Nations has paid more attention to the practicalities of protecting civilians in the past few years. Those steps are useful, but more work needs to be done.

Only humanitarian protection in conflict situations has the principal concern of preventing or mitigating the most damaging effects of war on civilians. It is concerned with the way conflict is conducted and the way people, including refugees and displaced persons, are treated. Humanitarian protection is therefore driven by the real threats faced by communities and individuals. Although protection such as that provided by Operation Artemis is crucial to the survival of civilians caught up in conflict, their sustained survival depends on humanitarian assistance. The independent and impartial provision of basic needs to a population is meant to be a key part of the international community's commitment to protect that population. Every civilian caught up in an armed conflict has the right to receive food, water, shelter and medical assistance. The international community has a responsibility to provide funding and to apply political pressure on warring parties to ensure that, despite the conflict, vital supplies reach the most vulnerable groups.

Not only are the current levels of spending and engagement inadequate, they are also not distributed according to the needs. An increasing number of donors are giving only to favoured crises. Humanitarian assistance is earmarked for certain countries and projects. That has to change. That application of double standards has left millions of children, women and men in need and without aid. Some emergencies are totally neglected. Today's single-minded focus on international terrorism steers international attention to a smaller number of crises. Action is therefore needed to deliver on commitments to guarantee the distribution of high-quality humanitarian assistance to all vulnerable populations, based on need and need alone.

Finally, Kenya recognizes the important role played by the United Nations in general and the Security Council in particular in addressing conflict, especially in Africa. That was recently demonstrated by the Security Council's visit to Nairobi, Kenya, to push forward the Sudan peace process in recognition of the suffering of millions of civilians in that conflict and in other African regional conflicts. The invaluable support that the United Nations has given to our regional organizations so that they can address these issues is highly appreciated. However, individual Governments, assisted by the international community, must also address the root causes of conflicts. It is crucial to establish early-warning mechanisms and take timely and appropriate steps.

The President (*spoke in Arabic*): I now give the floor to the representative of Honduras.

Mr. Suazo (Honduras) (*spoke in Spanish*): Allow me, Mr. President, to thank you for convening this public meeting on such an important issue and for this

opportunity to speak before the Council at such a crucial moment in the history of our Organization — a moment of change and united opinion. We express our full support for the institution we created in search of a better world for our children and for succeeding generations.

The question under consideration is of vital importance for the United Nations. We remember with deep respect the officials and personnel of this Organization who lost their lives helping civilian populations caught up in armed conflicts of a religious, ethnic, racial or political nature, who see in and expect of the United Nations a helping hand to protect them and ease their suffering.

These considerations inspire us, a founding Member of the Organization, to speak before the Council and, with our message, to raise awareness of the urgent need to protect and safeguard the lives of civilians and of the humanitarian personnel who strive to alleviate the suffering caused by war.

The best protection of the civilian population is the absence of war. Thus, the prevention of war should be a priority. This question has long been studied in the United Nations and by the Security Council. However, we have not been able to prevent war. The resulting humanitarian consequences have been devastating for the innocent — women, children and the elderly. Understanding the causes of conflict is today of urgent necessity.

Acts of violence and abuses against non-combatants are totally unacceptable as a strategy to break the spirit of peoples in countries in conflict. Such crimes are all the more heinous for being perpetrated against defenceless, subjugated persons.

The emblem of the United Nations therefore at times represents the only hope there is. Humanity, at this stage of its cultural evolution, rejects with indignation such criminal practices and strongly condemns their perpetrators, be they the individuals who commit the crimes or the States that tolerate them, because such conduct is considered the world over as inhuman and barbaric.

There must therefore be a strong response to such practices. We share the view that the Council must implement fully its resolutions, including resolution 1265 (1999) on the protection of civilians in armed conflict, as well as the recommendations contained in resolution 1325 (2000) relating, in particular, to the protection of women and to the inhuman acts of sexual violence perpetrated against them in times of conflict.

With respect to the role of the United Nations in peacekeeping operations, the Secretary-General, in speaking before the General Assembly on 8 December on the report (A/59/565) of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world: Our shared responsibility", said:

> "United Nations staff serve in dangerous environments not for my satisfaction, nor yet for their own, but because you, the Member States, have decided that their work is needed there." (*A/59/PV.68*)

In addition, paragraph 239 of the Panel's report states that:

> "The ability of the United Nations to protect civilians and help end conflict is directly related to United Nations staff security, which has been eroding since the mid-1990s. To ... operate securely and effectively, the United Nations needs four things: the capacity to perform its mandated tasks fully, freedom from unwarranted intrusion by Member States into operations; full respect by staff of United Nations codes of impartiality; and a professional security service, with access to Member States' intelligence and threat assessments."

Attacks against humanitarian workers and United Nations staff represent serious violations. My delegation shares every one of the concerns of the Secretary-General as to the security of United Nations staff as a vehicle for achieving our ultimate goal, namely to protect the civilian population in conflict areas.

The provision of humanitarian assistance is considered essential to helping the civilian population. We believe, therefore, that there is an urgent need for effective coordination among the specialized agencies of the United Nations in the area of humanitarian assistance.

Political will is not enough; certain measures must be taken, and in that respect we recommend the establishment of a direct liaison office between the World Food Programme, the World Health Organization, the High Commissioner for Human Rights and the Department of Peacekeeping

Operations. That would make it possible to act more directly and effectively in a given conflict. This proposal is aimed at more effectively protecting and safeguarding populations at risk.

We listened carefully to Under-Secretary-General Egeland and to the proposals he made. All of them are deserving of our attention, particularly the 10-point platform, which advocates joint response mechanisms. One of the key actions should be aimed at predicting requirements in high-risk conflict areas. We hope that his next report, to be submitted in June, will highlight actions that can be taken immediately in terms of humanitarian assistance and coordination.

Chapter XII — entitled "Protecting civilians" — of the Panel's report states, in paragraph 233, that:

> "All combatants must abide by the provisions of the Geneva Conventions. All Member States should sign, ratify and act on all treaties relating to the protection of civilians, such as the Genocide Convention, the Geneva Conventions, the Rome Statute of the International Criminal Court and all refugee conventions."

Responsibilities are therefore shared at the national and international levels.

We deem it necessary to draw the attention of Council members, particularly the permanent members, to the need seriously to take into consideration, when setting up peacekeeping operations, the socio-economic conditions prevailing in Member States of the Organization.

The President (*spoke in Arabic*): I give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We welcome the presentation made this morning by the Emergency Relief Coordinator and very much appreciate his presence this afternoon during the debate.

Landmark decisions have been taken by this body over the past few years relating to the protection of civilians, in particular resolutions 1265 (1999) and 1325 (2000). The Secretary-General's 10-point platform for action offers the Council and other players a good basis for carrying out the necessary work to effectively ensure such protection. The full implementation of those texts would go a long way towards achieving that goal.

Prevention is the key aspect in the protection of civilians. It must be made clear that abuses against civilian populations, often carried out against their most vulnerable members, in particular women and children, are violations of international law that will not go unpunished. The States concerned have primary responsibility for holding the perpetrators of such crimes accountable, but, at the same time, crimes such as genocide, war crimes and crimes against humanity are of concern to the international community as a whole and thus to the Security Council, which represents the international community in matters of international peace and security.

An unequivocal and credible message that there will be no impunity, in any situation, for such crimes would have a strong deterrent effect and thus serve as a very useful tool of prevention. It is worth recalling that the Council has the authority, under the Rome Statute of the International Criminal Court, to refer situations to the Court, even in situations in which the State concerned has not subscribed to the Statute. We hope that the adoption of the relationship agreement between the United Nations and the International Criminal Court earlier this year will lead to effective and practical cooperation between the two organizations, and we welcome the emphasis that the High-Level Panel of the Secretary-General has placed on the role of the Court in general as well as on the Council's referral power in particular.

We also welcome the appointment of a Special Adviser for the Prevention of Genocide, which will serve as an early-warning instrument and thus assist us in fulfilling our obligation to prevent genocide. A regular formal and informal working relationship between the Adviser and the relevant intergovernmental bodies, that is, the Council, the General Assembly and the Commission on Human Rights, as well as with the Office of the High Commissioner for Human Rights, will allow for the optimal use of this new position within the United Nations system. Regular briefings by the Office of the United Nations High Commissioner for Human Rights and by holders of mandates under the special procedures established by the Commission on Human Rights could greatly contribute to the capacity of the Council both to effectively prevent abuses of civilian populations and to monitor the implementation of the relevant provisions of resolutions it has adopted.

The concept of the responsibility to protect has been endorsed by the High-level Panel as an emerging norm in the area of collective international responsibility. We welcome the emphasis given to this concept which has rightfully been playing an increasing role in the international discourse, and we look forward to further discussions thereon. The protection and well-being of civilian populations must remain the primary responsibility of the State concerned. However, where the inability or unwillingness of a State lead to massive and large-scale violations of international humanitarian and human rights law, with all their devastating human, social and economic consequences and their effects on international peace and security, the Council must become active in order to live up to its responsibility under the Charter.

While all perpetrators of abuses and violations against civilians must be held accountable, such abuses are especially appalling when they are committed by those who have the task of ensuring the very protection of a civilian population. Reports on such abuses committed by peacekeeping personnel are therefore most disturbing and need to be thoroughly investigated. Such incidents gravely jeopardize United Nations work in this area as well as in more general terms, and we therefore trust that the necessary steps will be taken to bring perpetrators to justice and to restore the full credibility of the Organization in that respect.

The President (*spoke in Arabic*): I now give the floor to the representative of Argentina.

Mr. D'Alotto (Argentina) (*spoke in Spanish*): My delegation wishes to thank you, Mr. President, for convening this open debate on the important question of the protection of civilians in armed conflict. We would like also to reiterate to the Secretary-General our appreciation for his fourth report on this matter (S/2004/431), as well as to express our support for the recommendations it contains.

The six months that have passed since the previous open Security Council debate on this item have witnessed the fulfilment of the most pessimistic forecasts on the situation of civilians in armed conflicts in various regions. Given that scenario, we would like to reiterate that no security issues can prevail over the primary responsibility of States to comply with the norms of international humanitarian law contained in the Geneva Conventions and their Additional Protocols. The fight against terrorism, a priority of the international community which my country shares, must be waged in respect for international law and human rights. We reaffirm our support for the Security Council's cooperation with the Office of the United Nations High Commissioner for Human Rights in promoting unfailing respect for human rights that are seen as inalienable, in a context in which, unfortunately, we continue to hear accusations of steady movement in the opposite direction. The obligation to respect the civilian population within the framework of international humanitarian law also extends to other non-State actors seeking international legitimacy, whatever the justness of their claims may be.

Attacks against civilian populations or other protected persons and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict can constitute a threat to international peace and security and require appropriate consideration and response by the international community. Here, we would like to recall that the Council has expressed its readiness in that regard to consider situations affecting refugees and internally displaced persons, and when necessary to take the necessary steps to create a secure environment for civilians endangered by conflict, as well as to consider the appropriateness and feasibility of establishing temporary security zones and corridors to protect civilians and provide humanitarian assistance.

In a significant number of conflicts, humanitarian personnel continue to face obstacles in discharging their tasks. Safe and unimpeded access by humanitarian personnel, including those locally recruited, to civilians in armed conflicts is essential. States affected by conflict as well as neighbouring States must cooperate with the United Nations to facilitate such access. We condemn the ongoing aggression that humanitarian personnel continue to suffer, and we advocate the expansion of the protection given under the 1994 Convention on the Safety and Security of United Nations and Associated Personnel as well as ensuring that the Convention become universal. We support efforts within the United Nations system to improve practical aspects of the safety and security of personnel, a matter currently being

considered by the Fifth Committee of the General Assembly.

As we reiterate our deep concern and condemnation of the harmful and widespread consequences of armed conflict on civilians, we must also refer specifically to the impact of armed conflict on women, children and other vulnerable groups. In this regard, it is crucial to adopt strategies to ensure broader implementation of resolution 1325 (2000), on women and peace and security, and resolution 1539 (2004), on children in armed conflict, among other relevant norms.

As noted in the Secretary-General's report, specific areas exist within a conflict on which action can be undertaken at the regional level to protect civilians. These include the question of refugees, illegal trade in natural resources, smuggling, disarmament and small arms trafficking. In that context, regional organizations may have a role of great value to play as they have a better understanding of the local difficulties and a more realistic perception of possible solutions. Here, we support the recommendation on the establishment of a framework within which the United Nations can engage more systematically with regional organizations on humanitarian issues such as protection and access.

During next year's debates on the occasion of the fifth anniversary of the Millennium Declaration, we will undoubtedly have an opportunity to analyse the question of the responsibility to protect. In that connection, we believe it necessary to give appropriate consideration to proposals contained in the report of the High-level Panel on Threats, Challenges and Change (A/59/565), entitled "A more secure world: our shared responsibility". At the same time, it is essential and relevant also to underscore the responsibility borne for military or other armed actions that harm civilian populations.

Just two weeks before we once again join the Council as a non-permanent member, Argentina would like to reiterate its commitment to the daily task of protecting civilians in armed conflict and to say that we stand ready to work within the Council to ensure full implementation of resolutions 1265 (1999) and 1296 (2000), bearing in mind the various tools that exist, such as the aide-memoire (S/PRST/2003/27, annex) and the 10-point platform of action, to ensure the effective protection of civilian populations and respect for their essential rights.

The President (*spoke in Arabic*): I call next on the report of Côte d'Ivoire.

Mr. Djangoné-Bi (Côte d'Ivoire) (*spoke in French*): I would like, Mr. President, to commend you and thank you for having taken the initiative of this public debate on the protection of civilians in armed conflict. The fact that you personally are presiding over this debate, Mr. Minister, reflects the importance that your country, Algeria, in particular, and Africa in general accord to this topic. I would also like to express by gratitude to the Secretary-General, who, through his periodic reports on this topic, has continued to focus the attention of the Security Council on the protection of civilians. We can never repeat too often that that issue is critical for the maintenance of international peace and security, which is the principal role of the Security Council. And finally, our thanks go also to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. We were most grateful for the clarity and the comprehensive nature of his introductory briefing.

Upon the initiative of the Secretary-General, the United Nations has been more mobilized to protect civilians, especially since 1999. As he mentioned in his report contained in document S/2004/431, the Secretary-General initiated an agenda on the protection of civilians in armed conflict five years ago, long after the world silently witnessed genocide in Rwanda. Since then the Security Council, through its resolutions and on the basis of proposals made by the Secretary-General in his nearly annual reports on the subject under consideration today, has made a number of important commitments to the protection of civilians in armed conflict. The Council enshrined those commitments in the form of a 10-point platform and included them in resolutions 1265 (1999) and 1296 (2000). The Council also broadened the mandates of peacekeeping operations to include the physical protection of civilians under imminent threat of violence.

Lastly, in its field missions and its cooperation with regional organizations, the Council has demonstrated the importance it attaches to the issue and to the effective implementation by all parties to an armed conflict of the Council's pertinent resolutions. For its part, the Department of Peacekeeping

Operations, thanks to the excellent help spontaneously given by contributing countries, has been able to deploy peacekeeping forces more quickly to avert immediate crises with regard to protection, as well as to re-establish order.

Much more still needs to be done, however, despite the generous support of the United Nations system, which is developing a common and clear concept of the notion of protection, the strengthening of the general policy framework and coordination between United Nations agencies.

In considering the areas that the Council has identified as priorities in the protection of civilians, the Secretary-General has noted some lingering shortcomings and suggested more in-depth actions that he considers relevant. Côte d'Ivoire endorses his analysis, supports his recommendations and echoes his conclusions. In that connection, we would once again like to draw the Council's attention to the several following points.

First, there is a need for the United Nations to abandon the clichés born of previous conflicts that it mechanically applies to conflicts currently being resolved. A case in point is the presumed existence of hate media in my country, Côte d'Ivoire, without any specific evidence being presented for such a serious allegation. It is important that the Ivorian situation be put in its proper context. This is a case in which the media in rebel-held areas have been used for rebellious propaganda against the State, without eliciting any reaction whatever from the international community. Moreover, although in the Government of National Reconciliation the dossier of the Minister of State in charge of communications is held by a minister who comes from the rebellion, State media and newspapers in Government-held areas are banned from rebel-held areas, even though newspapers that defend rebel positions circulate freely in the Government-held area. This is a paradox that must be kept in mind before passing hasty judgements.

Secondly, in addition to warring parties, all parts and members of society should be represented so that there may be gender equality in peace processes and in order to establish a favourable climate for lasting peace.

Thirdly, peace agreements should include a commitment to proceed to disarmament, demobilization, reintegration and repatriation (DDRR) at the beginning of a peace process. By making it possible to begin as soon as possible efforts on behalf of women and children — who are usually the most disadvantaged and harmed members of civilian populations — DDRR programmes also contribute to the re-establishment and gradual strengthening of mutual trust.

Fourthly, as in the case of the conflict in Côte d'Ivoire, all of today's conflicts also have a regional dimension. Peace agreements should therefore be negotiated and implemented in that context. Efforts to strengthen peace after conflict should also be made regionally. That is not merely for the sake of regionalization itself, but because of the enormous need to place peace agreements in a regional context as the only way of giving such agreements a realistic chance of being implemented successfully through region-wide partnership, responsibility and solidarity. Those are all things that the Council's experience has taught it are irreplaceable.

Fifthly and lastly, the international community — and primarily the Security Council — should now reaffirm their dedication to the principles of international law, international humanitarian law and human rights, all of which are founded on justice, respect for human dignity and the dignity of nations, the prevention of conflict and the peaceful resolution of disputes and which favour the force of law and not the law of force. Côte d'Ivoire therefore reiterates its call to immediately integrate the forces of Operation Licorne into the United Nations Mission in Côte d'Ivoire, for reasons that have been put forth in recent correspondence to the President of the Council and the Secretary-General. Likewise, we once again note the urgent need for the Council to respond to our request to send an impartial international commission of inquiry to Côte d'Ivoire to look into the events that have taken place since the beginning of November. As the President is aware, those events have led to a chorus of allegations of shooting at unarmed civilians and bare-fisted protesters. All of us know the sad results of those events, namely, over 60 dead and more than 2,000 wounded.

In conclusion, I would like to draw the Council's attention to the fact that the protection of civilians in armed conflict is undoubtedly part of broader respect for international law, international humanitarian law, human rights and combating impunity. The obligation incumbent upon Member States to respect those

universal principles must not be a selective one. The credibility of the Organization depends upon it.

The President (*spoke in Arabic*): I now call on the representative of New Zealand.

Mr. MacKay (New Zealand): I would like to thank the President for calling and presiding over this open debate of the Council today.

I have the honour to speak on behalf of both New Zealand and Australia.

I would also like to thank Mr. Egeland for his sobering briefing this morning on the international situation regarding the protection of civilians. It is clear that there is a crisis in protection despite the existence of important international human rights instruments and international humanitarian law. The examples of the situation in Darfur, the ongoing conflicts in West Africa and violence in the Middle East are testament to the need for sustained and increased attention to this issue by the international community.

Others have spoken about the need for the United Nations and the international community to move towards a culture of protection. New Zealand and Australia share those views, and I would like to make just four specific points here today.

First, we continue to see too many violent and often fatal attacks deliberately targeting humanitarian workers, most of whom are unarmed civilians participating in United Nations missions in the field. In his fourth report on the subject, the Secretary-General highlighted that the safeguarding of humanitarian personnel is a key challenge for the United Nations. Regrettably, little has changed since that report was published.

Secondly, it is of great concern that those who carry out attacks against both civilians and humanitarian workers do so seemingly with impunity. The sad reality is that most of those responsible for such atrocities have not been brought to justice. A high degree of impunity has been allowed to exist because of delays in establishing, or indeed the failure to establish, appropriate criminal tribunals in which offenders can be brought to justice. Impunity allows those responsible to avoid being held to account for their actions, denies justice to the victims and their families and sends the message that the international community is not prepared to take action, even when the fundamental rights of humanity are breached.

New Zealand and Australia are strong supporters of the International Criminal Court. Since the adoption of the Rome Statute, we have worked closely with others to encourage its widespread ratification and implementation and to ensure recognition and respect for the Court in the United Nations and in the wider international arena.

The crucial role that the International Criminal Court will now play in dealing with genocide, war crimes and crimes against humanity cannot be overstated. The United Nations and its Member States must fully commit to establishing a culture of protection for civilians. To that end, all countries that have not yet done so are urged to accede to the convention establishing the International Criminal Court and to recognize its jurisdiction.

Thirdly, the scope of the Convention on the Safety of United Nations and Associated Personnel must be widened to cover all situations where United Nations and other associated personnel are engaged in peacekeeping, humanitarian and other assistance-related activities.

New Zealand and Australia remain committed to working towards ensuring that the international legal regime adequately meets the needs of personnel who form part of United Nations operations, and whose work, by its nature, renders them vulnerable to attack. We also stress, however, that it is vital for the integrity of the United Nations that the conduct of United Nations peacekeepers and United Nations missions is also beyond reproach in fulfilling the duty of protecting civilian populations.

Fourthly and finally, New Zealand and Australia welcome the report of the Secretary-General's High-level Panel on Threats, Challenges and Change, and its focus on effectively addressing the range of threats to global security. The Panel's recommendations on internal threats and the responsibility to protect are timely, and we urge Council members and the wider United Nations membership to give them serious consideration.

As strong advocates of multilateralism and the rule of law, New Zealand and Australia support the concept of the responsibility to protect as a good basis for developing a new consensus on international action

within a United Nations framework in order to prevent, or to respond effectively to, situations of extreme suffering. Gross and systematic violations of human rights anywhere are a threat to the security of us all and cannot be tolerated.

The President (*spoke in Arabic*): I now call on the representative of Colombia.

Mrs. Holguín (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Mr. President, on your assumption of the presidency of the Security Council, and for presiding over this important debate. We are also grateful to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his valuable briefing on the issue of the protection of civilians in armed conflict.

My Government believes it important that multilateralism should strengthen States, not weaken them. It is only with strong States that multilateralism can take on life. Under other conditions, it becomes a system for only a few, and the benefits of a multilateral organization that represents the interests and positions of all its members are lost.

The United Nations, its main organs and its Member States have to work together to strengthen States and their institutions and support governmental programmes to meet the needs of their populations, in particular during conflict situations. That is the only way to achieve the sustainable economic, social and political development of nations.

In that regard, there are several concepts — among them, humanitarian intervention and the responsibility to protect — that should be managed carefully and responsibly. Humanitarian assistance efforts must be undertaken with the full cooperation, coordination and consent of the Government as that is the only way such efforts will be efficient and productive, and able to ensure the protection of the civilian population and humanitarian personnel.

Colombia reiterates once more its steadfast commitment to promote, respect and protect the civilian population, in accordance with its conviction, protected by the law, that the State is responsible for the protection of its population.

In accordance with this national commitment, the Government of President Alvaro Uribe is working tirelessly, and concrete achievements are starting to appear. The rate of internal displacement has declined by 48 per cent and the attention accorded to the displaced population is becoming more efficient every day. The resources devoted to the care of the vulnerable population have been multiplied by eight. The budget of the Social Solidarity Network, the institution in charge of providing this care, has grown from $14 million in 2002 to $120 million for 2005. More than 70,000 people have benefited from voluntary return, and we are working to consolidate peace in the regions to achieve further substantial and voluntary returns.

As part of its National Plan of Assistance to Displaced Populations, the Government is working on a humanitarian plan that will be implemented with the United Nations system and the donor community. Colombia has already appropriated resources for that Plan, which is the first involving the active participation of the United Nations. Therefore, we have an enormous responsibility to create a constructive and effective plan, since it sets a precedent for other Member States of the Organization.

The 1.55 million internally displaced persons is a number that alarms the Government, since we believe that there should not be even one displaced person. That is why we are taking measures and promoting policies to benefit the displaced population. The Government is responding to that challenge within its national capacity and welcomes the international community's joining in that effort. In that regard, we express our gratitude to the Office for the Coordination of Humanitarian Affairs (OCHA) for its work and for its efforts to find additional resources to support our plan.

Colombia hopes for a generous response from the donor community and the United Nations system to help support the projects set up by common agreement with civil society and the local and regional authorities in an open-ended and transparent consultation process that took place during the year.

Colombians know very well the suffering and the effects of conflicts and terrorist threats on the civilian population. Our knowledge of the situation has prompted us to take concrete action to improve and normalize the lives of the civilian population.

In addition, Colombia welcomes the generous actions of non-governmental organizations, the International Committee of the Red Cross (ICRC) and the United Nations system to ease and improve the

situation of the civilian population including the displaced and ex-combatants. The demobilized population — individually and collectively — of the illegal armed groups totalled 7,601 ex-combatants as of November 2004. In December there will be an additional 3,000 demobilized persons. That population also requires special assistance, and the international community can contribute towards their effective transition to civil life. Their economic reintegration and education are some of the main challenges to assuring a sustainable demobilization process.

In Colombia, the ICRC has essential work to do and has unimpeded and secure access to the civilian population. The United Nations system is present throughout the country under secure conditions — including in zones where military strategies are being developed — and is able to undertake its activities in accordance with its respective mandates. Colombia promotes that unimpeded access, the sole objective of which is to assist the affected population. Such assistance is given with respect for the basic principles governing humanitarian assistance.

As much as we favour access to the population to help meet its needs, we reject any condition that links humanitarian access with dialogue with the illegal armed groups. We do not believe that to achieve effective humanitarian assistance, dialogue with such groups is required. Negotiations under the umbrella of a humanitarian cause can be used for political and destabilizing goals, the very objectives of the illegal armed groups. That would mean the end of humane, impartial and neutral humanitarian assistance. That is why the national Government, in the exercise of its full sovereignty, is the sole entity with the authority to enter into negotiations with illegal armed groups. Furthermore, the Government is entitled to request facilitators when it believes that their work can strengthen the quest for peace.

Colombia is a strong State with solid democratic institutions and an active, organized civil society. The entire nation is determined to deal with the perpetrators of violent acts, and the Government is responding to that clear mandate from the people. Thus, in accordance with international humanitarian law, humanitarian assistance must respect the dynamics of the State in overcoming violence and restoring peace in the region. We believe that it is important to acknowledge the specific characteristics of each situation. Generalizations, cookie-cutter mechanisms and one-size-fits-all solutions should not be applied to these types of situations.

We also believe that humanitarian assistance must be provided in consonance with its own principles. We believe that international humanitarian law cannot be reinterpreted in a way that would deviate from its spirit and letter; nor should it be mixed with other judicial structures.

Allow me to conclude by calling for unity among concerned States, donor countries, the United Nations system, humanitarian organizations and civil society, so that they can work together on the important task of delivering humanitarian assistance in a concerted and coordinated manner. We all share a firm commitment to protect and assist civilians affected by conflicts, terrorism and violence. We understand the concerns of all stakeholders working in the field of humanitarian assistance to bring timely and efficient assistance and protection to civilians. The Government of Colombia, more than any other stakeholder, is devoted to finding a solution to the situation of civilian populations affected by violence.

The President (*spoke in Arabic*): I now give the floor to Mr. Egeland to respond to comments and questions raised.

Mr. Egeland (*spoke in French*): Mr. President, thank you once again for your presence here and for this significant debate. I would like to express my appreciation to Security Council members and to all others who have spoken for their dedication to the protection of civilians in armed conflict. I am greatly encouraged by the ongoing interest that the Council has expressed during this meeting. A number of speakers have emphasized the critical role of civilian protection in their activities, and we are very grateful for that. I am also very touched by the unanimous support for the road map, as represented by the 10 action points.

(*spoke in English*)

I am also pleased that the Council shares the common view that properly meeting protection needs is fundamental to the achievement of international peace and security and the Millennium Development Goals. The review in September next year will provide an important opportunity to move forward concretely, and I will therefore wish to have developed, in advance of the review, concrete proposals and actions that can

contribute to strengthening the framework within which we operate.

Speakers have rightly pointed out that the picture presented today has been a bleak one. We agree on the problems and on the fact that we have not taken adequate action to address those problems. The future now depends on our ability to take this consensus forward and to translate it into tangible results. Such an operationalization of our commitment to the protection of civilians can result only from a joint effort.

Many Council members, including Pakistan, France, Germany and the United Kingdom, as well as the European Union, underlined the critical importance of better coordination of the protection response, particularly in the field. I will report to the Council in June on the message that we have been able to implement in response to these calls.

Many speakers, including Canada, Nigeria, the United States of America, Japan and Switzerland rightly underlined that attention must be directed towards holding military and political leaders accountable for their acts. The climate of impunity for attacks against civilians and humanitarian workers is intolerable. Our question, therefore, is how, concretely, we can end impunity, and the answer clearly is, by using individually targeted sanctions, by initiating criminal investigations, by referring cases to the International Criminal Court and by robustly and swiftly deploying police, security forces and judicial support structures to crisis areas.

If the Security Council is to act effectively in the support of the protection of civilians, it needs to be properly and regularly informed. In this context, I welcome the willingness of a number of members of the Council to request more briefings on the protection of civilians and on country-specific situations as they arise. Their invitation to me to brief the Council on Darfur, northern Uganda and other issues earlier this year clearly helped to bring attention and resources to those neglected emergencies. We have taken note of the many excellent suggestions made here today and will incorporate them into the action programme for the next briefing. I also welcome the support expressed for an enhanced information reporting mechanism, on which I will report to the Council in June.

The Permanent Representative of the Philippines asked for a periodic assessment of the progress made by the various United Nations organs and agencies in the discharge of their mandates in the area of the protection of civilians, using the road map and other tools. I will respond to that request in conjunction with my agency colleagues.

I also welcome the unanimous concern expressed in the debate on the issue of sexual and gender-based violence against women and children and the recognition of the need for measures to deal more effectively with that problem. This is an urgent issue on which we must take immediate action. First of all, I would hope that there is sufficient international commitment over the next six months to specifically address the difficult issue of impunity and to transform the principle of individual responsibility into a reality. For our part, where such violence is taking place, we will work with our colleagues in the agencies to establish more detailed and systematic reporting to facilitate appropriate action. Further actions are already being taken to ensure that all individuals working under the United Nations flag, whether civilian or military personnel, never abuse or exploit the civilians they are sent to protect. Clearly, great efforts must be devoted to internally addressing this extremely important protection concern in our Organization.

We need to recognize the limits of the humanitarian organizations' own ability to provide protection to civilians. For that reason, I fully acknowledge that more must be done to develop national and local capacities for protection. We must also find the means to better develop and draw upon the support that can be given by regional organizations such as the African Union. That too will require the active support of Security Council members.

A number of Security Council members also underlined today the importance of engagement with non-State entities in order to secure access to and protection for civilians in areas under their control or when non-State armed groups actively target civilians. As many speakers pointed out, when non-State armed groups control or influence access to populations in need of humanitarian assistance or actively target civilians, the humanitarian imperative may demand our engagement with them. Clearly, any engagement with non-State armed groups must be conducted mutually and impartially in a manner that does not in any way legitimize the armed group concerned.

(*spoke in Spanish*)

Several speakers, including Spain, China, New Zealand and others, said that they give full support to our humanitarian work and underlined the need for us to better protect our humanitarian workers in the field. We cannot tolerate further attacks against our staff on the ground. More killings of humanitarian workers in Darfur or in other places of humanitarian crisis would immediately lead to paralysis of our work, resulting in hunger, epidemics and thousands of deaths. We hope to continue the dialogue with the Council on how to confront and put an end to this security crisis for humanitarian personnel, including by taking immediate actions to identify and prosecute those who are responsible.

(*spoke in English*)

It is very positive to have today an agreed vision of the problems and the actual situation in crisis areas. Our main challenge, now and in our future work, is to agree on what we should specifically do to protect civilians and save lives, how we should make our response more operational, what actions should be taken by whom, etc. It is only by focusing on how to operationalize our response that we will be able to return to the Council in June with a report that, I hope, will provide an indication of more positive trends and fewer negative ones.

Finally, I wish to express my gratitude to the Algerian presidency of the Security Council for its leadership on this critically important issue. I particularly welcome the initiative of the President in leading the negotiations on a new presidential statement on the protection of civilians in armed conflict. I trust that, once endorsed, that presidential statement will reinforce our ongoing efforts to make a tangible difference in the lives of the millions of men, women and children who are in desperate need of our protection.

The President (*spoke in Arabic*): I thank Mr. Egeland for the clarifications and answers he has provided.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council has considered the matter of protection of civilians in armed conflict. The Council recalls all its relevant resolutions, in particular resolution 1265 (1999) of 17 September 1999 and resolution 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict, as well as statements by its Presidents, and reiterates its commitment to address the widespread impact of armed conflict on civilians.
>
> "The Security Council reaffirms its strong condemnation of all acts of violence targeting civilians or other protected persons under international law. The Council is gravely concerned that civilians are increasingly targeted by combatants and armed elements during armed conflict, in particular women, children and other vulnerable groups, including refugees and internally displaced persons, and recognizes the negative impact this will have on durable peace and national reconciliation. The Council also reaffirms its condemnation of all incitements to violence against civilians in situations of armed conflict, in particular the use of media to incite hatred and violence. The Security Council urges all parties to armed conflict, including non-State parties, to put an end to such practices.
>
> "The Security Council reiterates its call to all parties to armed conflict, including non-State parties, to comply fully with the provisions of the Charter of the United Nations and with rules and principles of international law, in particular international humanitarian law and, as applicable, human rights and refugee law, and to implement fully the relevant decisions of the Security Council. The Security Council recalls the obligations of all States to ensure respect for international humanitarian law, including the four Geneva Conventions, and emphasizes the responsibility of States to end impunity and to prosecute those responsible for genocide, war crimes, crimes against humanity and serious violations of humanitarian law. It further calls on all States which have not already done so to consider ratifying or acceding to major instruments of international humanitarian, human rights and refugee law, and to take appropriate measures to implement them.
>
> "The Security Council underlines the importance of safe and unhindered access of humanitarian personnel and assistance to civilians in armed conflict in accordance with international law. The Security Council reiterates its call to all

parties to armed conflict, including non-State parties, to take all necessary measures to ensure security and freedom of movement of United Nations and associated personnel as well as personnel of humanitarian organizations. The Security Council condemns all attacks targeting United Nations personnel and other humanitarian workers, and underlines that the perpetrators of such attacks must be held accountable as outlined in its resolution 1502 (2003) of 26 August 2003. The Security Council underscores the importance for humanitarian organizations to uphold the principles of neutrality, impartiality, humanity of their humanitarian activities and independence of their objectives.

"The Security Council recognizes the importance of a comprehensive, coherent and action-oriented approach, including in early planning, of protection of civilians in situations of armed conflict. It stresses, in this regard, the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights. It encourages further cooperation and coordination between Member States and the United Nations system. The Council, moreover, recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.

"The Security Council, recognizing the regional dimensions of certain armed conflict, stresses the need for regional cooperation in order to address cross-border issues such as disarmament, demobilization, reintegration and rehabilitation, cross-border movement of refugees and combatants, human trafficking, illicit flow of small arms and illegal exploitation of natural resources and post-conflict situations. It encourages regional and sub-regional organizations to develop, as appropriate, a regional protection strategy and provide for a coherent and strong framework for addressing protection issues. The Council welcomes the steps taken by regional organizations in this regard and requests the United Nations system and other international organizations to provide them with the necessary support, and to consider means for the reinforcement of national capacities. The Council takes into account, in this regard, the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations could engage with regional organizations more systematically on humanitarian issues related to protection and access and better address those issues at the regional intergovernmental level.

"The Security Council strongly condemns the increased use of sexual and gender-based violence as a weapon of war, as well as the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them. The Security Council underlines the vulnerability of women and children in situations of armed conflict, bearing in mind in this regard its resolutions 1325(2000) on women, peace and security and 1539(2004), as well as all other resolutions on children and armed conflict, and recognizes their special needs, in particular those of the girl-child. It stresses the importance of developing strategies aimed at preventing and responding to sexual and gender-based violence, through the improvement in the design of peacekeeping and assessment missions by, inter alia, the inclusion of gender and child protection advisers. It stresses also the importance of women and children subject to exploitation and sexual violence receiving adequate assistance and support.

"Mindful of the particular vulnerability of refugees and internally displaced persons, the Council reaffirms the primary responsibility of States to ensure their protection, in particular, by preserving the civilian character of camps of refugees and internally displaced persons and to take effective measures to protect them from infiltration by armed groups, abduction and forced military recruitment.

"The Security Council reaffirms its readiness to ensure that peacekeeping missions are given suitable mandates and adequate resources so as to enable them to better protect civilians under imminent threat of physical

danger, including by strengthening the ability of the United Nations to plan and rapidly deploy peacekeeping and humanitarian personnel, utilizing the United Nations Standby Arrangements System, as appropriate.

"The Council considers that a coherent and integrated approach to disarmament, demobilization, reintegration and rehabilitation of ex-combatants, which takes into account the special needs of child soldiers and women combatants, is of crucial importance for a sustained peace and stability. The Council reaffirms the need for the inclusion of these activities in the mandates of United Nations peacekeeping operations and emphasizes the importance of resources being made available for such activities.

"The Security Council is concerned by the growing problem of humanitarian emergency situations while funding and resources do not match requirements. It urges the international community to ensure adequate and timely funding in response to humanitarian need across crises so as to provide sufficient humanitarian assistance in alleviating the suffering of civilian populations, in particular those in areas affected by armed conflict or emerging from a situation of conflict.

"The Security Council expresses its appreciation for the efforts of the United Nations agencies, regional organizations, international humanitarian organizations and other relevant actors aimed at raising international awareness of the suffering of civilians in armed conflicts, including refugees and internally displaced persons, and considers such efforts as a key element for the promotion of a culture of protection and for the building of international solidarity with the victims of armed conflict.

"The Security Council invites the Secretary-General to continue to refer to it relevant information and analysis where he believes that such information or analysis could contribute to improving its work on the protection of civilians in armed conflict, and to continue to include in his written reports to the Council on matters of which it is seized, as appropriate, observations relating to the protection of civilians in armed conflict. In this context, the Security Council reiterates the importance of the aide-memoire annexed to the statement by its President (S/PRST/2002/6), as well as the road map for the protection of civilians in armed conflict, as a practical tool for dealing with protection issues.

"The Security Council notes the submission of the report of the Secretary-General on the protection of civilians in armed conflict of 28 May 2004 (S/2004/431), which examines the ten-point platform, and requests him to submit by 28 November 2005 his next report, and to include in that report information on the implementation of Security Council resolutions previously adopted on this subject, as well as any additional recommendations on ways the Council and other organs of the United Nations, acting within their respective spheres of responsibility, could further improve the protection of civilians in situations of armed conflict."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/46.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.55 p.m.

United Nations S/PV.5101

Security Council

Fifty-ninth year

Provisional

5101st meeting

Wednesday, 15 December 2004, 12.15 p.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Antonio
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Andereya
	China	Mr. Cheng Jingye
	France	Mr. Poirier
	Germany	Mr. Seidenberger
	Pakistan	Mr. Mahmood
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Mr. McGurk
	United States of America	Mr. Grenell

Agenda

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2004/948)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-64672 (E)

The meeting was called to order at 12.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2004/948)

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/948, containing the report of the Secretary-General on the United Nations Disengagement Observer Force. Members of the Council also have before them document S/2004/963, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1578 (2004).

In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:

> "As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/2004/948) states in paragraph 12: '... the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached'. That statement of the Secretary-General reflects the view of the Security Council."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/47.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.

United Nations S/PV.5102

Security Council

Fifty-ninth year

Provisional

5102nd meeting

Thursday, 16 December 2004, 10 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Davis
	United States of America	Mr. Leahy

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-64852 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

I now give him the floor.

Mr. Prendergast: Four weeks ago, in his final briefing to the Security Council on this subject, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization (PLO) and the Palestinian Authority spoke about the critical juncture the Middle East had reached and outlined the elements that have turned the present period into such momentous days in the region. This month, I am glad to be able to confirm that there exists, once again, a window of opportunity to revitalize the Middle East peace process.

There have been a marked number of positive developments.

The Palestinian leadership has continued to oversee the transitional period in a highly commendable manner, with no significant internal unrest.

Significant strides have been made towards ensuring that the presidential elections scheduled for 9 January 2005 will be conducted in a free and fair manner, in accordance with international standards.

Elections will be monitored by more than 400 international electoral observers. The United Nations has provided technical assistance to the Central Elections Commission. We will also establish a Liaison and Support Unit, generously made possible by the Government of Japan, to support and facilitate the work of the incoming international observer delegations and to assist in their liaison with the electoral commission and Israeli authorities.

Registration for Palestinian voters reopened on 24 November and continued until 1 December. Almost 80 per cent of adults have registered. Israel did not lift the ban imposed in September against voter registration in East Jerusalem, but it has reassured us that residents of East Jerusalem will be able to vote in accordance with the modalities of the 1996 presidential elections, as set out in the Oslo Accords. We have also taken positive note of the Government of Israel's announced intention to lift movement restrictions and withdraw from Palestinian villages and cities for the election.

Campaigning will officially begin on 26 December and last through 7 January. Some changes were recently introduced to the electoral law, most of which concern legislative elections, scheduled for later in 2005. All these developments lead us to expect a free, fair and democratic electoral process.

The Palestinian leadership has made great strides in moving forward in areas far beyond the electoral process. Earlier this month, Palestine Liberation Organization Chairman Mahmoud Abbas — Abu Mazen — and Palestinian Prime Minister Ahmed Qurei — Abu Ala — held talks with Syrian and Lebanese leaders in a historic visit to both countries, after an important visit to Egypt. We took particular note of the Palestine Liberation Organization Chairman's pledge to end the "armed struggle" and henceforth pursue the "democratic route to liberation", to quote him twice.

While significant steps towards reform have been taken, security reform and the establishment of full control by the Authority over the Palestinian areas continue to be among the primary challenges facing the Palestinian leadership. Priority should be given to establishing a society based on the rule of law. In this context, we have also noted positively the Palestine

Liberation Organization Chairman's frank assertion that

> "The Palestinian [security] apparatus needs discipline. There is security chaos; that is why we ... are seeking to unify the security apparatus."

With the emergence of a more positive atmosphere, support among the Palestinian public for violent acts and terror directed against Israelis has declined dramatically. That is a critically important development. A poll conducted by the Jerusalem Media and Communications Centre found that, for the first time since September 2000, a majority of Palestinians oppose all acts of violence against Israel. In contrast to many previous polls in recent years and months, the survey also found that Palestinians once again look to the future with hope.

All Palestinian factions appear to have taken note of the shift in public opinion. Recently, senior Hamas leaders have spoken about the possibility of a long-term ceasefire with Israel and of accepting the establishment of a Palestinian State alongside Israel, within the 1967 borders and with Jerusalem as its capital. Such a ceasefire would greatly facilitate the ability of both parties to build on the potential opportunities of the present moment.

The optimism and hope that prevails among Palestinians is mirrored on the Israeli side. According to the latest Peace Index, 70 per cent of the Jewish Israeli public are now more optimistic about the chances of peace with the Palestinians. A clear majority of 75 per cent favour the resumption of negotiations. Many Israelis believe that the current Palestinian leadership has been handling the affairs of the Palestinian Authority in a positive way. A majority think that the Government of Israel should facilitate living conditions of the Palestinian population in the occupied territory by ending closures and removing checkpoints — a belief which we wholeheartedly share.

The Government of Israel has contributed meaningfully to enabling a positive transition period. Security cooperation between the parties has resumed. Prime Minister Sharon has spoken of contact between the parties that is "nearly daily, mainly to do with coordinating various things". Israel has scaled back military activity in areas under the control of the Palestinian Authority, and the Prime Minister, Mr. Sharon, has announced his willingness to cease all military incursions into Palestinian areas if calm prevails. The PLO Chairman and the Israeli Prime Minister have declared themselves willing to meet each other. In recognition of a long-standing Quartet condition, the Israeli Prime Minister has said that Israel would want to coordinate security arrangements with the Palestinian Authority for the planned implementation of his initiative to withdraw Israeli troops and settlers from the Gaza Strip and parts of the northern West Bank and for the transfer of the evacuated areas to the Palestinians.

In addition, Prime Minister Sharon has publicly acknowledged that incitement in the Palestinian media has dropped noticeably, in accordance with Palestinian obligations under the road map. Defence Minister Shaul Mofaz has overseen the issuing of increased numbers of entrance permits to workers from the West Bank. And on 12 December, the Israeli Cabinet approved a prisoner release, the details of which are yet to be determined.

We note with satisfaction and hope for the future that the overall level of violence has dropped in the past month. In that context, the United Nations has decided to reduce the current security rating for the Gaza Strip back to phase 3, after it had been raised to phase 4 earlier in the year. Nevertheless, casualty figures are still too high. Since our last briefing to the Council, 52 Palestinians and 7 Israelis have been killed, and 172 Palestinians and 29 Israelis have been injured.

While there has been a reduction in the number of incidents, a disturbing level of violence continues. Palestinian militants continue to fire mortar shells and Qassam rockets against Israeli settlements and targets inside Israel, albeit in reduced numbers. We hope that, in the coming weeks and months, a democratically empowered and strengthened Palestinian Authority will be able to meet fully its obligation under international law and under the road map to do its utmost to prevent such attacks.

In the Gaza Strip, in particular, the situation has remained unstable. On 7 December, an Israeli soldier was killed and four others were wounded when Hamas militants set off a bomb near the Karni crossing in central Gaza. A prolonged gun-battle ensued, in which four Palestinians died, among them a 14-year-old bystander. Hours later, an Israeli helicopter fired a missile at suspected Palestinian militants in the area,

killing one. On 10 December, four Israelis were injured in a mortar attack on the settlement of Neve Dekalim. Five Israeli soldiers were killed and six were wounded on 12 December in an explosion beneath an Israeli military outpost close to the Rafah checkpoint on the Gaza-Egypt border. In the ensuing gun-battle, at least one Palestinian was killed. The Israeli air force also fired six missiles at targets in Gaza City, though, fortunately, no casualties were reported. Over the past two days, four Palestinians were killed in various incidents in the Gaza Strip, among them a taxi driver who was hit by Israeli gunfire near a checkpoint. Five Israelis were wounded in those incidents.

During the reporting period, Israel has also continued to carry out illegal extrajudicial killings. Four Palestinians were wounded on 9 December, when an Israeli aircraft fired a missile at a car in the Gaza Strip in an attempt on the life of the leader of the Popular Resistance Committees, a militant faction based in Gaza. There have been reports that a wanted Islamic Jihad militant was killed by Israeli troops while he was lying on the ground, wounded and unarmed, during an arrest raid near Jenin in the West Bank on 3 December. We welcome the Israeli Defense Force's (IDF) announcement of an investigation of this incident.

As we have said repeatedly, the Government of Israel must respect its legal obligations to ensure the safety of Palestinian civilians and to refrain from the disproportionate use of force. On 20 November, two 15-year-old Palestinian stone-throwers were shot dead in Nablus. On 29 November, a 38-year-old Palestinian physician was killed when Israeli forces fired tank shells and automatic gunfire towards the Rafah refugee camp. Five Palestinians were shot dead on 9 December along the Egyptian border in the Gaza Strip, though it remains unclear whether they were militants, smugglers or civilians. On 10 December, a 7-year-old girl was killed by Israeli forces in Khan Younis. Five Palestinian schoolchildren were wounded on 12 December, as an IDF tank fired three shells in the Khan Younis refugee camp, one of which exploded in a yard behind a school.

Israel has continued to demolish houses and has maintained movement restrictions for the Palestinian population, although in an eased form. Israel's construction of the barrier in the West Bank also continues, with worrisome consequences for the Palestinian population, despite the Government of Israel's ongoing revision of the barrier's route, which is moving closer to the Green Line.

Barrier construction and movement restrictions are the chief reasons for the continuing economic crisis in the Palestinian areas. They reduce employment and they limit Palestinian access to basic services. The adjusted unemployment rate continues to stand at 32.6 per cent. Just over 40 per cent of Palestinians between the ages of 15 and 24 are unemployed. Approximately half the Palestinian population are living below the official poverty line of $2.10 per day; 16 per cent live in extreme poverty. Poverty breeds despair and extremism.

To address the economic crisis, the main donor coordination body, the Ad Hoc Liaison Committee, met last week in Oslo. The donors will continue to coordinate their efforts. They look forward to an improvement of conditions on the ground, which will enable them to maintain and increase their commitment. The new spirit of cooperation was underscored by the fact that, at the Ad Hoc Liaison Committee, Palestinians, Israelis, and key representatives of the international community met for the first time in a year, in a meeting that was characterized as harmonious, constructive and creative.

Israel's economy has not been exempt either from the consequences of conflict. I would like to reiterate our firm belief that for the peoples on both sides, only a peace process and a full and final settlement of the conflict between Israelis and Palestinians will enable a move from crisis management and recovery to sustained and sustainable development and prosperity.

Meanwhile, the Quartet principals met on 23 November in Sharm el-Sheikh in the margins of the Iraq conference. They discussed the current transition in the Palestinian Authority and agreed that the immediate priorities were to provide technical support for the presidential elections and to help ensure the fiscal stability of the Palestinian governing body.

I think it would be right to say that all members of the Quartet are united in their view that the situation at present is conducive to change: long overdue change; change for the better. The Quartet envoys remain in close contact with one another, with a view to coordinating and planning ahead beyond the crucial first step of the Palestinian elections.

Both parties seem to have realized the potential for change that is inherent in the present situation. There exists at present a real opportunity to implement the road map's provisions and to make a huge leap towards a settlement of the conflict.

There are two catalysts for this. One is the transitional process in the Palestinian Authority, which I have outlined above and where we have already seen significant movement towards the fulfilment of important Palestinian obligations under the road map. The second is the Israeli initiative to withdraw from the Gaza Strip and parts of the northern West Bank. When the Israeli disengagement plan was presented as a unilateral initiative, the Quartet specified that if the Israeli withdrawal initiative was implemented in full coordination with the Palestinians and with the Quartet, then it could prove to be a key contribution towards a genuine revival of the peace process. The withdrawal should also lead to the end of the occupation of the Gaza Strip and should be accompanied by similar steps in the West Bank, and thus be fully consistent with the road map.

The redeployment of Israeli troops, military installations and settlements, including settlers, can represent a step forward — with highly symbolic, precedent-setting significance — on the road towards ending the occupation that began in 1967 and towards achieving a lasting peace in the Middle East. In that sense, Prime Minister Sharon is indeed planning to go further than any other Israeli prime minister before him, evacuating Israeli settlements in the occupied Palestinian territory for the first time since 1967.

That, and the statements by both parties that they are determined to seize the present opportunity, bring hope. The United Nations, together with its partners in the Quartet, stands ready to assist the parties to maintain momentum. We believe that now is the time to engage actively, to help the process along and to determine how best the international community can contribute to a revival of a sustainable peace process between Israelis and Palestinians. The end goal remains unchanged: the end of the occupation that began in 1967 and the establishment of an independent, sovereign, viable, democratic and contiguous Palestinian State living alongside Israel in peace and security.

Both parties still have important steps to take. Israeli settlement activity, including the natural growth of settlements, has not been frozen, as Israel is obliged to do under the road map. The Palestinian Authority must take further steps to bring to a complete halt the violence and terror and to institute full reform of the security services, as it is required to do under the road map.

Potential opportunities have also emerged more clearly on the wider regional track. When Terje Roed-Larsen visited Damascus in late November, Syrian President Bashar Al-Assad reiterated his unequivocal willingness to resume negotiations with Israel without any conditions, within the framework of the relevant Security Council resolutions and the fundamental principle of land for peace. Both President Mubarak and King Abdullah have offered to mediate between Syria and Israel. We believe that the outstretched Syrian hand should be grasped.

In that regard, we welcome Israeli Foreign Minister Shalom's statement at the Herzliya conference yesterday that Israel "should not deny a hand reaching out for peace" and should instead "examine it very carefully". Minister Shalom added that "these voices should not be ignored" and that "any declaration on wanting peace from an Arab leader is a positive declaration". Such statements by the two sides are particularly welcome because movement on the regional track would help to reinforce the momentum that is being created for progress with the peace process. The end goal is and must remain a just, lasting and comprehensive peace in the Middle East.

Unfortunately, tension has recently increased somewhat along the Blue Line. A hitherto unknown group claimed responsibility for the Katyusha attack against Israel of 15 November. In the aftermath of that attack, the United Nations called on Lebanon "to double its efforts in order to ensure an immediate halt to serious violations" of the Blue Line. We were pleased to note that the Lebanese authorities spoke out against the incident and launched an investigation, but we reiterate our call on the Government of Lebanon to extend its authority over all its territory, as demanded in the relevant Security Council resolutions.

Israel has meanwhile continued its intermittent air violations of the Blue Line. On 5 December, for example, 14 air violations were recorded. The United Nations has continued to call on Israel to cease the over-flights violating the Blue Line, while emphasizing to all parties that one violation does not justify another.

Let us hope — more than that, let us do our best to ensure — that the parties realize the potential of the moment and continue to build on it. Some momentum has already been created, but much work remains to be done if potential is to become achievement. We should make clear that we expect both Israel and the Palestinians to seize the moment to act constructively and to work within the framework of the road map. And each of us should do everything within our power to encourage and help the parties to persevere as they move along the narrow and difficult road that leads to a just, lasting and comprehensive peace in the Middle East. For they will undoubtedly need our encouragement and our support.

The meeting rose at 10.35 a.m.

United Nations S/PV.5103

Security Council

Fifty-ninth year

Provisional

5103rd meeting

Thursday, 16 December 2004, 4.40 p.m.
New York

President	Mr. Baali	(Algeria)
Members	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Andereya
	China	Mr. Cheng Jingye
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Mahmood
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Dolgov
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Holliday

Agenda

The situation in Côte d'Ivoire

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-64993 (E)

The meeting was called to order at 4.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Djangoné-Bi (Côte d'Ivoire) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

(*spoke in French*)

"The Security Council commends the efforts made by the African Union and, in particular, the personal involvement of President Thabo Mbeki, President of the Republic of South Africa, to promote dialogue and relaunch the peace and national reconciliation process in Côte d'Ivoire. It expresses its full support for the facilitation mission undertaken by President Mbeki on behalf of the African Union.

"The Security Council welcomes the encouraging prospects resulting from these efforts and the commitments made by all Ivorian parties, demands that all Ivorian parties fully comply with their commitments, and underlines that it will monitor with vigilance their full implementation.

"The Security Council reaffirms its conviction that the full implementation of resolution 1572 (2004) is a key element in ensuring that all Ivorian parties commit themselves fully to the implementation of the peace and national reconciliation process in Côte d'Ivoire, and deplores the fact that the signatories of the Linas-Marcoussis and Accra III Agreements have not implemented by 15 December 2004 all their commitments under the Accra III Agreement.

"The Security Council underlines that any failure by any Ivorian party to respect their commitments made to President Mbeki would constitute a threat to the implementation of the peace and national reconciliation process as defined in the Linas-Marcoussis and Accra III Agreements, and recalls in this regard the measures referred to in paragraphs 9 and 11 of resolution 1572 (2004).

"The Security Council requests the Committee established by resolution 1572 (2004) to continue its work, taking fully into account the developments of the peace process in Côte d'Ivoire arising from the facilitation efforts undertaken by the African Union.

"In addition, the Security Council demands that all Ivorian parties stop all incitement to violence and hatred in broadcast, written and other media, and calls upon the Committee to monitor this closely without delay.

"The Security Council also demands that all Ivorian parties ensure freedom of the press and unlimited access to information throughout Côte d'Ivoire.

"The Security Council expresses its intention to consider without delay further steps to ensure the effective monitoring and implementation of the arms embargo imposed by resolution 1572 (2004).

"The Security Council expresses its appreciation to the Special Representative of the Secretary-General, Mr. Albert Tevoedjre, for his unsparing efforts to support the restoration of a durable peace in Côte d'Ivoire under challenging circumstances."

(*spoke in Arabic*)

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/48.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.50 p.m.